SENATE JOURNAL
64TH LEGISLATURE
FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 5, 2015 — State Capitol

Senate convened at 12:00 p.m. Senator Fred Thomas, Dean of the Senate, presiding.

Senator Thomas appointed Pastor Keith Johnson as temporary Chaplain and Carl Spencer as temporary Sergeant-at-Arms.

The flags were presented by the U.S. Army Reserve followed by the Pledge of Allegiance to the Flag. Invocation was given by Pastor Johnson.

Senator Thomas appointed Marilyn Miller of Helena as temporary Secretary of the Senate. Secretary Miller called the roll of the newly elected Senators:

Senate District 1	Chas Vincent
Senate District 4	Mark Blasdel
Senate District 5	Bob Keenan
Senate District 8	Lea Whitford
Senate District 9	Llew Jones
Senate District 11	Ed Buttrey
Senate District 12	Mary Sheehy Moe
Senate District 13	Brian Hoven
Senate District 14	Kris Hansen
Senate District 19	Frederick Moore
Senate District 20	Duane Ankney
Senate District 22	Doug Kary
Senate District 24	Mary McNally
Senate District 27	Cary Smith
Senate District 29	David Howard
Senate District 30	Nels Swandal
Senate District 32	Jedediah Hinkle
Senate District 33	Jennifer "J.P." Pomnichowski
Senate District 34	Gordon Vance
Senate District 41	Mary Caferro
Senate District 42	Jill Cohenour
Senate District 43	Patrick Connell
Senate District 48	Cynthia Wolken
Senate District 49	Diane Sands
Senate District 50	Tom Facey

Sergeant-at-Arms Spencer admitted Montana Supreme Court Justice Laurie McKinnon to the Senate chamber. Justice McKinnon administered the official oath of office to the new Senators.

Secretary Miller called the roll of the entire Senate. Forty-nine members present, Senator Windy Boy excused. Quorum present.

Senator Rosendale moved that the Rules of the Senate and the Joint Rules as reflected in **SR 1** and **SJ 1**, printed and placed on members' desks this day, be adopted as the temporary operating rules of the 64th Legislature. The motion carried.

Senator Taylor nominated Senator Debby Barrett of Senate District 36 for the office of President of the Senate for the 64th Legislature, and moved that her election carry with it the name of Senator Eric Moore of Senate District 19 for the office of President Pro Tempore.

Senator Sesso moved that the nominations be closed and that Senator Barrett be elected President of the Senate by acclamation. The motion carried.

President Barrett assumed the chair and addressed the Senate. President Barrett then introduced Frederick Moore, President Pro Tempore; Senator Jon Sesso, Minority Leader; and Senator Matthew Rosendale, Majority Leader. Each leader addressed the Senate.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Brenden, Chair)

Agriculture, Livestock and Irrigation
Tu, Th; 3 p.m.; Rm 335
Brown, Taylor (R) B Ch
Hoven, Brian (R) B VCh
Stewart-Peregoy, Sharon (D) B MVCh
Caferro, Mary (D)
Cohenour, Jill (D)
Hansen, Kristin (R)
Howard, David (R)
Moore, Eric (R)
Pomnichowski, JP (D)
Swandal, Nels (R)
Wolken, Cynthia (D)

Business, Labor and Economic Affairs
M-F; 8 a.m.; Rm 422
Buttrey, Ed (R) B Ch
Arntzen, Elsie (R) B VCh
Stewart-Peregoy, Sharon (D) B MVCh
Brown, Dee (R)
Connell, Pat (R)
Facey, Tom (D)

Smith, Cary (R)
Vance, Gordon (R)
Vuckovich, Gene (D)
Whitford, Lea (D)

Committee on Committees
On call
Brenden, John (R) B Ch
Brown, Dee (R)
Hansen, Kristin (R)
Ripley, Rick (R)
Taylor, Janna (R)
Vincent, Chas (R)

Education and Cultural Resources
M, W, F; 3 p.m.; Rm 422
Brown, Taylor (R) B Ch
Blasdel, Mark (R) B VCh
Cohenour, Jill (D) B MVCh
Arntzen, Elsie (R)
Facey, Tom (D)
Hansen, Kristin (R)
Jones, Llew (R)
Keenan, Bob (R)
Moe, Mary Sheehy (D)
Stewart-Peregoy, Sharon (D)

Energy and Telecommunications
Tu, Th; 3 p.m.; Rm 317
Webb, Roger (R) B Ch
Ankney, Duane (R) B VCh
Larsen, Cliff (D) B MVCh
Blasdel, Mark (R)
Connell, Pat (R)
Driscoll, Robyn (D)
Jones, Llew (R)
Kary, Doug (R)
Keane, Jim (D)
Keenan, Bob (R)
McNally, Mary (D)
Tutvedt, Bruce (R)
Windy Boy, Jonathan (D)

Ethics
On call

Arntzen, Elsie (R) B Ch
Brown, Dee (R) B VCh
Facey, Tom (D) B MVCh
Malek, Sue (D)

Finance & Claims
M-F; 8 a.m.; Rm 317
Jones, Llew (R) B Ch
Keenan, Bob (R) B VCh
Keane, Jim (D) B MVCh
Blasdel, Mark (R)
Brenden, John (R)
Caferro, Mary (D)
Hamlett, Bradley Maxon (D)
Hansen, Kristin (R)
Howard, David (R)
Moore, Eric (R)
Phillips, Mike (D)
Ripley, Rick (R)
Rosendale, Matt (R)
Sesso, Jon (D)
Smith, Cary (R)
Taylor, Janna (R)
Webb, Roger (R)
Windy Boy, Jonathan (D)
Wolken, Cynthia (D)

Fish and Game
Tu, Th; 3 p.m.; Rm 422
Brenden, John (R) B Ch
Ripley, Rick (R) B VCh
Vuckovich, Gene (D) B MVCh
Facey, Tom (D)
Fielder, Jennifer (R)
Hamlett, Bradley Maxon (D)
Hinkle, Jedediah (R)
Phillips, Mike (D)
Smith, Cary (R)
Vincent, Chas (R)

Highways and Transportation
Tu, Th; 3 p.m.; Rm 405
Arntzen, Elsie (R) B Ch
Vance, Gordon (R) B VCh
Whitford, Lea (D) B MVCh

Barrett, Dick (D)
Brown, Dee (R)
Buttrey, Ed (R)
Kaufmann, Christine (D)
Malek, Sue (D)
Sales, Scott (R)
Sands, Diane (D)
Taylor, Janna (R)
Thomas, Fred (R)

Judiciary
M-F; 8 a.m.; Rm 303
Sales, Scott (R) B Ch
Fielder, Jennifer (R) B VCh
Sands, Diane (D) B MVCh
Driscoll, Robyn (D)
Hansen, Kristin (R)
Hinkle, Jedediah (R)
Kary, Doug (R)
Larsen, Cliff (D)
McNally, Mary (D)
Moe, Mary Sheehy (D)
Sands, Diane (D)
Swandal, Nels (R)
Vincent, Chas (R

Legislative Administration
On call
Fielder, Jennifer (R) B Ch
Brown, Taylor (R) B VCh
Pomnichowski, JP (D) B MVCh
Tutvedt, Bruce (R)
Vuckovich, Gene (D)

Local Government
M, W, F; 3 p.m.; Rm 405
Taylor, Janna (R) B Ch
Buttrey, Ed (R) B VCh
Pomnichowski, JP (D) B MVCh
Barrett, Dick (D)
McNally, Mary (D)
Sales, Scott (R)
Tutvedt, Bruce (R)
Vance, Gordon (R)
Vuckovich, Gene (D)

Natural Resources
M, W, F; 3 p.m.; Rm 303
Vincent, Chas (R) B Ch
Ripley, Rick (R) B VCh
Kaufmann, Christine (D) B MVCh
Ankney, Duane (R)
Brenden, John (R)
Connell, Pat (R)
Fielder, Jennifer (R)
Hamlett, Bradley Maxon (D)
Hoven, Brian (R)
Keane, Jim (D)
Larsen, Cliff (D)
Phillips, Mike (D)

Public Health, Welfare and Safety
M, W, F; 3 p.m.; Rm 317
Thomas, Fred (R) B Ch
Howard, David (R) B VCh
Caferro, Mary (D) B MVCh
Sands, Diane (D)
Smith, Cary (R)
Swandal, Nels (R)
Windy Boy, Jonathan (D)

Rules
On call
Rosendale, Matt (R) B Ch
Moore, Eric (R) B VCh
Phillips, Mike (D) B MVCh
Barrett, Debby (R)
Barrett, Dick (D)
Blasdel, Mark (R)
Buttrey, Ed (R)
Hansen, Kristin (R)
Keenan, Bob (R)
Moe, Mary Sheehy (D)
Ripley, Rick (R)
Sands, Diane (D)
Sesso, Jon (D)
Smith, Cary (R)
Thomas, Fred (R)
Wolken, Cynthia (D)

State Administration
M, W, F; 3 p.m.; Rm 335
Brown, Dee (R) B Ch
Webb, Roger (R) B VCh
Malek, Sue (D) B MVCh
Driscoll, Robyn (D)
Hinkle, Jedediah (R)
Kary, Doug (R)
Whitford, Lea (D)

Taxation
M-F; 8 a.m.; Rm 405
Tutvedt, Bruce (R) B Ch
Thomas, Fred (R) B VCh
Barrett, Dick (D) B MVCh
Ankney, Duane (R)
Blasdel, Mark (R)
Brown, Taylor (R)
Cohenour, Jill (D)
Hoven, Brian (R)
Kaufmann, Christine (D)
Malek, Sue (D)
Pomnichowski, JP (D)
Taylor, Janna (R)

Senator Brenden moved the adoption of the committee report. The motion carried.

LEGISLATIVE ADMINISTRATION COMMITTEE (Fielder, Chair)

Secretary Miller read the report from the Legislative Administration Committee recommending the following staff appointments:

Secretary of the Senate
Marilyn Miller, Secretary of the Senate
Debra Polhemus, Assistant Secretary of the Senate
Donna O'Neill, Secretary to the President
McCalh Racicot, Secretary to Secretary of the Senate
Amanda Casey, Secretary to Secretary of the Senate
Shirley Herrin, Word Processing Supervisor

Sergeant's Office
Carl Spencer, Sergeant-at-Arms
Bonner Armstrong, Assistant Sergeant-at-Arms, Purchasing
Bruce Nachtsheim, Assistant Sergeant-at-Arms, Safety
Ray Todd, Safety and Facilities Aide

Dennis Heffner, Safety and Facilities Aide
Pat Hamilton, Safety and Facilities Aide
Joyce Nachtsheim, Page Supervisor

President's Office & Majority Office
Dave Lewis, Aide to President
Diane Rice, Aide to Leadership
Patrick Webb, Chief of Staff
Eric Sell, Communications Director
Alison Vergeront, Leadership Aide
Marissa Stockton, Leadership Aide

Minority Office
Kate Stallbaumer, Minority Aide (Supervisor)
Nick Lockridge, Minority Aide
Abbey Lee Cook, Minority Aide
Andre Stolier, Minority Aide (Reception)

Rostrum
Peggy Trenk, Amendments Coordinator
Colt Sales, Assistant Amendments Coordinator
Carolyn Gorshe, Bills Distribution Clerk
Hank Trenk, Voting Clerk
Carolyn Renaud, Bills Clerk
Lynn Staley, Bills Coordinator
Karen Berger, Journal Clerk
Rick Berger, Status Input Technician
Taylor Rose, Reading Clerk

Scanning/Documents
Susie Hamilton, Documents Specialist

Committee Secretaries
Nadine Spencer, Committee Support Supervisor
Prudence Gildroy, Committee Secretary: Finance & Claims/State Administration
Julie Emge, Committee Secretary: Fish & Game
Linda Keim, Committee Secretary: Business & Labor
Barbara Pietuch, Committee Secretary: Public Health/Energy
Pam Schindler, Committee Secretary: Judiciary
Taylor Fridrich, Committee Secretary: Ag/Natural Resources
Julie Ward, Committee Secretary: Taxation
Charlene Devine, Committee Secretary: Local Government/Highways & Transportation
Angie Koehler, Committee Secretary: Education

Committee Aides
Roberta "Bobby" Lavinder, Aide Supervisor
Jan Bouchee, Committee Aide
Katie Spencer, Committee Aide
David McCann, Committee Aide

Senator Fielder moved adoption of the Legislative Administration report. The motion carried.

SPECIAL ORDERS OF THE DAY

Secretary Miller read a letter from the President appointing Marilyn Miller as Secretary of the Senate, Carl Spencer as Sergeant-at-Arms, and Pastor Keith Johnson as Chaplain to the Senate. Senate confirmation was unanimous.

MOTIONS

Majority Leader Rosendale moved the President appoint a select committee to notify His Excellency, the Governor, that the Senate is organized and ready for business. Motion carried. The President appointed Senator Arntzen, chair, and Senators Caferro, Taylor Brown, and Dick Barrett.

Majority Leader Rosendale moved the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for business. The motion carried. The President appointed Senator Sales, chair, and Senators Webb, Vuckovich, and Phillips.

Majority Leader Rosendale moved the President appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business and that the Senate wishes the House success in its deliberations. The motion carried. The President appointed Senator Jones, chair, and Senators Fielder, Malek and Hamlett.

Majority Leader Rosendale moved the Senate stand at ease, subject to the call of the chair, to await the reports of the select committees. The motion carried.

MESSAGES FROM THE OTHER HOUSE

The Honorable Committee from the House of Representatives, consisting of Representatives Brodehl and Peppers, was escorted into the Senate by Sergeant-at-Arms Spencer. The Committee reported to the Senate that the House of Representatives was organized and ready for business.

REPORTS OF SELECT COMMITTEES

The select committee appointed to notify the Governor was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Senator Arntzen reported the committee had discharged its duty. The President thanked and discharged the committee.

The select committee appointed to notify the Chief Justice and members of the Supreme Court was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Senator Sales reported the committee had discharged its duty. The President thanked and discharged the committee.

The select committee appointed to notify the House of Representatives was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Senator Jones reported the committee had discharged its duty. The President thanked and discharged the committee.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committee:

SB 1, introduced by D. Kary (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 2, introduced by J. Windy Boy, referred to Business, Labor, and Economic Affairs.
SB 3, introduced by T. Facey (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.
SB 4, introduced by T. Facey (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.
SB 5, introduced by J. Windy Boy (by request of the Education and Local Government Interim Committee), referred to Public Health, Welfare and Safety.
SB 6, introduced by F. Thomas (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 7, introduced by R. Webb (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 8, introduced by R. Webb (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 9, introduced by R. Webb (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 10, introduced by J. Keane (by request of the Public Service Commission), referred to Energy and Telecommunications.
SB 11, introduced by J. Keane (by request of the Public Service Commission), referred to Energy and Telecommunications.
SB 12, introduced by M. Moe (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
SB 13, introduced by S. Malek (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 14, introduced by R. Driscoll (by request of the Office of Public Instruction), referred to

Education and Cultural Resources.
SB 15, introduced by N. Swandal (by request of the Supreme Court), referred to Judiciary.
SB 16, introduced by D. Brown (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 17, introduced by Dick Barrett (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 18, introduced by Dick Barrett (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 19, introduced by R. Ripley, referred to Agriculture, Livestock and Irrigation.
SB 20, introduced by C. Vincent (by request of the Water Policy Committee), referred to Natural Resources.
SB 21, introduced by J. Cohenour (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 22, introduced by J. Cohenour (by request of the Board of Social Work Examiners and Professional Counselors), referred to Business, Labor, and Economic Affairs.
SB 23, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.
SB 24, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.
SB 25, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.
SB 26, introduced by N. Swandal (by request of the Department of Justice), referred to Judiciary.
SB 27, introduced by D. Brown (by request of the Revenue and Transportation Interim Committee and the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 28, introduced by J. Cohenour (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Local Government.
SB 29, introduced by T. Brown, referred to Education and Cultural Resources.
SB 31, introduced by L. Whitford (by request of the Economic Affairs Interim Committee), referred to Agriculture, Livestock and Irrigation.
SB 32, introduced by J. Sesso (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
SB 33, introduced by J. Taylor (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 34, introduced by T. Facey (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Natural Resources.
SB 35, introduced by T. Facey (by request of the Secretary of State), referred to Business, Labor, and Economic Affairs.
SB 36, introduced by T. Facey (by request of the Secretary of State), referred to Business, Labor, and Economic Affairs.
SB 37, introduced by J. Fielder (by request of the Water Policy Committee), referred to Natural Resources.
SB 38, introduced by L. Whitford (by request of the Department of Transportation), referred to Highways and Transportation.
SB 39, introduced by C. Smith (by request of the Department of Justice), referred to Business, Labor, and Economic Affairs.
SB 40, introduced by T. Facey (by request of the Secretary of State), referred to State Administration.

SB 41, introduced by T. Facey (by request of the Secretary of State), referred to Business, Labor, and Economic Affairs.
SB 42, introduced by S. Malek (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 43, introduced by S. Malek (by request of the Commissioner of Political Practices), referred to State Administration.
SB 44, introduced by J. Brenden, referred to Local Government.
SB 45, introduced by J. Brenden, referred to State Administration.
SB 46, introduced by J. Pomnichowski (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 47, introduced by J. Pomnichowski (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 48, introduced by C. Vincent (by request of the Department of Justice), referred to Public Health, Welfare and Safety.
SB 49, introduced by J. Keane (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 50, introduced by J. Fielder (by request of the Department of Justice), referred to Judiciary.
SB 51, introduced by Dick Barrett (by request of the Department of Commerce), referred to Taxation.
SB 52, introduced by J. Cohenour (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 53, introduced by Dick Barrett (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
SB 54, introduced by Dick Barrett (by request of the Department of Revenue), referred to Taxation.
SB 55, introduced by B. Hamlett, referred to Judiciary.
SB 56, introduced by B. Hamlett, referred to Natural Resources.
SB 57, introduced by C. Vincent (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 58, introduced by P. Connell (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 59, introduced by R. Driscoll (by request of the Public Defender Commission), referred to Judiciary.
SB 60, introduced by R. Driscoll (by request of the Department of Justice), referred to Judiciary.
SB 61, introduced by R. Driscoll (by request of the Public Defender Commission), referred to Judiciary.
SB 62, introduced by T. Brown (by request of the Department of Revenue), referred to Agriculture, Livestock and Irrigation.
SB 63, introduced by T. Brown (by request of the Legislative Audit Committee), referred to Finance and Claims.
SB 64, introduced by J. Keane (by request of the Environmental Quality Council), referred to State Administration.
SB 65, introduced by R. Driscoll (by request of the Code Commissioner), referred to State Administration.
SB 66, introduced by D. Sands (by request of the Department of Justice), referred to Business, Labor, and Economic Affairs.

SB 67, introduced by C. Larsen (by request of the Department of Justice), referred to Judiciary.
SB 68, introduced by M. Caferro (by request of the Department of Justice), referred to Judiciary.
SB 69, introduced by P. Connell (by request of the Commissioner of Political Practices), referred to State Administration.
SB 70, introduced by J. Keane (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 71, introduced by J. Keane (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 72, introduced by T. Brown (by request of the Commissioner of Political Practices), referred to State Administration.
SB 73, introduced by T. Facey (by request of the Secretary of State), referred to State Administration.
SB 74, introduced by M. Moe (by request of the Public Employees' Retirement Board), referred to State Administration.
SB 75, introduced by G. Vuckovich (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
SB 76, introduced by G. Vuckovich (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 77, introduced by Debby Barrett (by request of the Board of Medical Examiners), referred to Business, Labor, and Economic Affairs.
SB 78, introduced by B. Tutvedt (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
SB 79, introduced by T. Facey (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 80, introduced by D. Brown (by request of the Legislative Audit Committee), referred to Finance and Claims.
SB 81, introduced by T. Facey (by request of the Board of Chiropractors, the Board of Hearing Aid Dispensers, the Board of Nursing, the Board of Outfitters, and the Board of Realty Regulation), referred to Business, Labor, and Economic Affairs.
SB 82, introduced by B. Hamlett (by request of the Water Policy Committee), referred to Natural Resources.
SB 83, introduced by C. Kaufmann (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 84, introduced by M. McNally (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 85, introduced by E. Buttrey (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 86, introduced by J. Pomnichowski (by request of the Commissioner of Political Practices), referred to State Administration.
SB 87, introduced by M. Phillips (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 88, introduced by J. Brenden (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Natural Resources.
SB 89, introduced by J. Brenden, referred to State Administration.
SB 90, introduced by N. Swandal (by request of the Public Defender Commission), referred to

Judiciary.
SB 91, introduced by F. Thomas (by request of the Department of Revenue), referred to Taxation.
SB 92, introduced by F. Thomas (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 93, introduced by P. Connell, referred to Judiciary.
SB 94, introduced by E. Buttrey (by request of the Department of Administration), referred to State Administration.
SB 95, introduced by C. Kaufmann (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 96, introduced by J. Keane (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 97, introduced by C. Vincent (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 98, introduced by T. Facey (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
SB 99, introduced by J. Cohenour (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 100, introduced by C. Larsen (by request of the Department of Livestock), referred to Agriculture, Livestock and Irrigation.
SB 101, introduced by R. Driscoll (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 102, introduced by D. Ankney (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 103, introduced by M. Caferro (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 104, introduced by E. Arntzen (by request of the Board of Massage Therapy), referred to Business, Labor, and Economic Affairs.
SB 105, introduced by E. Arntzen (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 1, introduced by M. Rosendale (by request of the Senate Rules Standing Committee), referred to Rules.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 1, introduced by M. Rosendale (by request of the House Rules Standing Committee and the Senate Rules Standing Committee), referred to Rules.
SJ 2, introduced by B. Hamlett (by request of the Environmental Quality Council), referred to Natural Resources.
SJ 3, introduced by R. Driscoll (by request of the Law and Justice Interim Committee), referred to Judiciary.
SJ 4, introduced by B. Tutvedt (by request of the State-Tribal Relations Committee), referred to Natural Resources.

SJ 5, introduced by C. Vincent (by request of the Water Policy Committee), referred to Natural Resources.

SPECIAL ORDERS OF THE DAY

Majority leader Rosendale introduced the new Republican senators: Senators Duane Ankney, Mark Blasdel, Pat Connell, Kris Hansen, Jedediah Hinkle, Brian Hoven, David Howard, Doug Kary, Bob Keenan, Cary Smith, Nels Swandal, and Gordon Vance. Each senator addressed the Senate and introduced family members.

Minority leader Sesso introduced the new Democrat senators: Senators Jill Cohenour, Mary McNally, Mary Sheehy Moe, JP Pomnichowski, Diane Sands, Lea Whitford, and Cynthia Wolken. Each senator addressed the Senate and introduced family members.

President Barrett asked Senator Hamlett to discuss the print of Charlie Russell's "When the Land Belonged to God," which used to hang above the Senate rostrum. It was removed preceding the 2007 session to make way for the bronze mural "We Proceeded On" by Eugene Daub. Senator Hamlett reported the picture has returned to the Senate and hangs on the east wall of the Senate chamber.

ANNOUNCEMENTS

Senator Cary Smith introduced the pages for the coming week:

Teresa Patten of Helena, sponsored by Senator Moore
Taylor Rost of Polson, sponsored by Senator Taylor
Faith Scow of Helena, sponsored by Senator Dee Brown

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Tuesday, January 6, 2015, the second legislative day. Motion carried.

Senate adjourned at 1:25 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 6, 2015 — State Capitol

Senate convened at 1:02 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Wednesday, January 7, 2015, the third legislative day. Motion carried.

Senate adjourned at 1:08 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 7, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Vuckovich excused. Quorum present.

REPORTS OF STANDING COMMITTEES

RULES (Rosendale, Chair): 1/6/2015

SR 1, introduced resolution, be amended as follows:

1. Page 8, line 1.
Strike: "**and on-call committees**"

2. Page 8, line 18.
Following: "~~: and~~"
Strike: "."
Insert: "; and
(d) on-call committees:
(i) Ethics;
(ii) Legislative Administration; and
(iii) Rules."

3. Page 8, line 23 through line 29.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

And, as amended, be adopted. Report adopted.

SJ 1, introduced joint resolution, be amended as follows:

1. Page 5, line 5.
Strike: "for legislative referenda"
Insert: "as provided in subsection (4)(b)"

2. Page 5, lines 7 through 8.
Strike: subsection (b) in its entirety
Insert: "(b)(i) Sections of the Montana Code Annotated repealed or amended in a legislative referendum must be stated in the title unless the inclusion of those sections in the title would cause the title to cumulatively exceed the 100-word limit pursuant to section 5-4-102,

MCA.

(ii) If the inclusion of sections of the Montana Code Annotated repealed or amended in a legislative referendum title would cause the title to cumulatively exceed 100 words, the title must include those sections that do not exceed the 100-word limit and include a reference to the total number of additional sections listed in the body of the bill that are excluded from the title due to the 100-word limit. Those additional sections excluded from the title must be listed in a section within the body of the bill after the enacting clause."

And, as amended, be adopted. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 106, introduced by P. Connell, referred to Education and Cultural Resources.
SB 107, introduced by T. Brown, referred to Education and Cultural Resources.
SB 108, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.
SB 109, introduced by N. Swandal, referred to Judiciary.
SB 110, introduced by E. Buttrey, referred to Highways and Transportation.
SB 111, introduced by D. Ankney, referred to Energy and Telecommunications.
SB 112, introduced by D. Ankney, referred to Natural Resources.
SB 113, introduced by J. Sesso, referred to Local Government.
SB 114, introduced by Debby Barrett, referred to Energy and Telecommunications.

Senator Vuckovich joined the session at this time.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Thursday, January 8, 2015, the fourth legislative day. Motion carried.

Senate adjourned at 1:09 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 8, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Arntzen excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/8/2015

Correctly printed: **SB 106**, **SB 107**, **SB 108**, **SB 109**, **SB 110**, **SB 111**, **SB 112**, **SB 113**, **SB 114**.
Correctly engrossed: **SJ 1**, **SR 1**.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 1/7/2015
SB 5, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "MEMBERS;"
Strike: "AND"

2. Title, page 1, line 10.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 5, line 19.
Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2015."

And, as amended, do pass. Report adopted.

SB 7, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 1/8/2015
SB 17, do pass. Report adopted.
SB 18, do pass. Report adopted.
SB 33, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 115, introduced by T. Facey, N. McConnell, referred to Judiciary.
SB 116, introduced by B. Hoven, referred to Taxation.
SB 117, introduced by B. Tutvedt, referred to Highways and Transportation.
SB 118, introduced by B. Hamlett, C. Vincent, S. Stewart-Peregoy, referred to Natural Resources.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 6, introduced by C. Larsen, D. Ankney, S. Berglee, C. Fiscus, E. Greef, K. Hansen, B. Harris, B. Hoven, D. Howard, E. Lieser, K. McCarthy, M. Miller, A. Olszewski, A. Person, G. Pierson, R. Shaw, N. Swandal, K. Wagoner, A. Wittich, referred to State Administration.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Friday, January 9, 2015, the fifth legislative day. Motion carried.

Senate adjourned at 1:08 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 9, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Arntzen excused. Quorum present.

Sergeant-at-Arms Spencer admitted four Helena Police officers and one police dog to the Senate floor. President Barrett introduced and thanked the officers who work to ensure the safety of all Capitol complex buildings: Captain Corey Livesay, Sergeant Cliff Wakefield, Officer Hank Webb, Officer Josh Ray, and police dog Filu.

BILLS AND JOURNALS (Fielder, Chair): 1/9/2015

Correctly printed: **SB 7**, **SB 17**, **SB 18**, **SB 33**, **SB 115**, **SB 116**, **SB 117**, **SB 118, SJ 6.**
Correctly engrossed: **SB 5**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 1/8/2015
SB 11, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 1/8/2015
SB 46, do pass. Report adopted.

JUDICIARY (Sales, Chair): 1/9/2015
SB 15, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 119, introduced by D. Kary, J. Fielder, G. Vance, referred to Business, Labor, and Economic Affairs.
SB 120, introduced by D. Kary, T. Brown, G. Vance, referred to Fish and Game.
SB 121, introduced by D. Kary, referred to State Administration.
SB 122, introduced by M. Rosendale, J. Brenden, D. Brown, A. Doane, C. Glimm, B. Keenan, A. Knudsen, M. Monforton, F. Moore, D. Mortensen, R. Pinocci, T. Richmond, D. Salomon, K. White, A. Wittich, referred to Judiciary.
SB 123, introduced by B. Tutvedt, E. Buttrey, T. Facey, D. Ankney, referred to Business, Labor,

and Economic Affairs.
SB 124, introduced by D. Brown, D. Ankney, Debby Barrett, M. Blasdel, J. Brenden, B. Hamlett, L. Jones, J. Keane, B. Keenan, F. Moore, R. Ripley, M. Rosendale, S. Sales, C. Smith, J. Taylor, F. Thomas, B. Tutvedt, G. Vance, R. Webb, J. Windy Boy, referred to State Administration.
SB 125, introduced by R. Webb, referred to Public Health, Welfare and Safety.
SB 126, introduced by R. Webb, referred to Judiciary.
SB 127, introduced by R. Webb, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Madame President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 1 - Senator Rosendale moved consideration of **SJ 1** be passed for the day. Without objection, so ordered.

SR 1 - Senator Rosendale moved **SR 1** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary,

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Monday, January 12, 2015, the sixth legislative day. Motion carried.

Senate adjourned at 1:28 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 12, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/12/2015

Correctly printed: **SB 11**, **SB 15**, **SB 46**, **SB 119**, **SB 120**, **SB 121**, **SB 122**, **SB 123**, **SB 124**, **SB 125**, **SB 126**, **SB 127**.
Correctly enrolled: **SR 1**.
Examined by the sponsor and found to be correct: **SR 1**.
Signed by the Secretary of the Senate at 3:05 p.m., January 12, 2015: **SR 1**.
Signed by the President at 3:15 p.m., January 12, 2015: **SR 1**.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Brown, Chair): 1/9/2015
SB 1, do pass. Report adopted.
SB 27, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 128, introduced by K. Hansen, M. MacDonald, referred to Education and Cultural Resources.
SB 129, introduced by R. Webb, referred to Public Health, Welfare and Safety.
SB 130, introduced by R. Webb, referred to State Administration.
SB 131, introduced by D. Kary, S. Sales, N. Swandal, referred to Judiciary.
SB 132, introduced by G. Vance, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 1 - Senator Rosendale moved **SJ 1** do pass.

SJ 1 - Senator Rosendale moved **SJ 1**, second reading copy, be amended as follows:

1. Page 8, line 16.
Following: "~~(1)~~"
Insert: "(1)"

2. Page 8.
Following: line 25
Insert: "(2) In the event that the Revenue and Transportation Interim Committee has not caused a revenue estimating resolution to be introduced in accordance with 5-5-227, MCA, a Senate joint resolution must be introduced by the chair of the Senate Taxation Committee for the purpose of estimating revenue that may be available for appropriation by the Legislature.

(3) The Senate shall transmit the Senate joint resolution on the revenue estimate to the House no later than the 15th legislative day. The Senate joint resolution does not constitute the Legislature's revenue estimate until adopted and passed by the House with any House amendments concurred in by the Senate."

Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 1 - Senator Rosendale moved **SJ 1**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 5 - Senator Windy Boy moved **SB 5** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 7 - Senator Webb moved **SB 7** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Blasdel, Brenden, Fielder, Hansen, Hoven, Rosendale, Sales, Smith, Vance, Vincent.
Total 10

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 17 - Senator Dick Barrett moved **SB 17** do pass.

SB 17 - Senator Brenden moved **SB 17**, second reading copy, be amended as follows:

1. Page 3, line 11.
Strike: ", one appointed by the president and one by the senate minority leader,"
Insert: "appointed by the senate committee on committees"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 26

Nays: Barrett Dick, D. Brown, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 17 - Senator Dick Barrett moved **SB 17**, as amended, do pass. Motion **failed** as follows:

Yeas: Barrett Dick, D. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Malek, McNally, Moe, Pomnichowski, Sands, Tutvedt, Wolken.
Total 17

Nays: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 17 - Senator Rosendale moved **SB 17** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 18 - Senator Dick Barrett moved **SB 18** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 33 - Senator Taylor moved **SB 33** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski,

Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Kaufmann, Keane, Phillips.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Senator Smith introduced the Pages for the upcoming week:

Rylee Donaldson from Helena, sponsored by Senator Rosendale
Ashley Hamlin from Helena, sponsored by Senator Facey
Kaylie Johnston from Helena, sponsored by Senator Smith

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Tuesday, January 13, 2015, the seventh legislative day. Motion carried.

Senate adjourned at 1:46 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 13, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Windy Boy excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/13/2015

Correctly printed: **SB 1**, **SB 5**, **SB 7**, **SB 18**, **SB 27**, **SB 33**, **SB 128**, **SB 129**, **SB 130**, **SB 131**, **SB 132**.
Correctly engrossed: **SJ 1**.
Transmitted to the House: **SB 5**, **SB 7**, **SB 18**, **SB 33**.
Delivered to the Secretary of State at 9:00 a.m., January 13, 2015: **SR 1**.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Brown, Chair): 1/12/2015
SB 65, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/12/2015

HB 1, introduced by N. Ballance
HB 122, introduced by L. Randall

MOTIONS

Madame President, I move that the following undersigned names be **ADDED** as sponsors to **SB 124.** Without objection, so ordered.

SB 124 (D. Brown, Chief Sponsor)
Senators E. Buttrey, P. Connell, R. Driscoll, J. Fielder, K. Hansen, J. Hinkle, B. Hoven, D. Kary, N. Swandal, and C. Vincent.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 133, introduced by C. Kaufmann, J. Fielder, referred to Public Health, Welfare and Safety.
SB 134, introduced by J. Fielder, M. Phillips, referred to Energy and Telecommunications.
SB 135, introduced by T. Facey, E. Arntzen, referred to Business, Labor, and Economic Affairs.
SB 136, introduced by B. Hamlett, E. Buttrey, R. Cook, S. Fitzpatrick, B. Hoven, T. Jacobson, J. Keane, W. McKamey, R. Mehlhoff, M. Moe, J. Price, T. Richmond, R. Ripley, C. Schreiner, B. Tutvedt, C. Vincent, referred to Natural Resources.
SB 137, introduced by R. Webb, referred to Judiciary.
SB 138, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.

The following House bill was introduced, read first time, and referred to committee:

HB 1, introduced by N. Ballance (by request of the Legislative Council), referred to Finance and Claims.

Senator Windy Boy entered the meeting at this time.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 11 - Senator Keane moved **SB 11** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Keenan, Malek.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 15 - Senator Swandal moved **SB 15** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 46 - Senator Pomnichowski moved **SB 46** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance, Webb.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 49

Nays: Ms. President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 5 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 7 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Webb, Whitford, Windy Boy, Wolken.
Total 37

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Ripley, Rosendale, Sales, Smith, Vance, Vincent, Vuckovich, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 18 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Howard, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 33 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Barrett announced the Senate and House of Representatives would not be in session on Saturday January 17, 2015.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Wednesday, January 14, 2015, the eighth legislative day. Motion carried.

Senate adjourned at 1:22 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 14, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/14/2015

Correctly printed: **SB 11**, **SB 15**, **SB 46**, **SB 65**, **SB 133**, **SB 134**, **SB 135**, **SB 136**, **SB 137**, **SB 138**.
Transmitted to the House: **SB 11**, **SB 15**, **SB 46**, **SJ 1**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 1/13/2015
SB 78, do pass. Report adopted.
SB 100, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "FERAL SWINE;"
Insert: "ESTABLISHING LIMITS ON COST OF DEPARTMENT OF LIVESTOCK ENFORCEMENT ACTIONS;"

2. Page 1, line 12.
Strike: "5"
Insert: "6"

3. Page 1.
Following: line 17
Insert: "NEW SECTION. **Section 2. Control of feral swine.** A person, a state agency, or a federal agency authorized by the state or the federal government is allowed to control or eradicate feral swine."
Renumber: subsequent sections

4. Page 1, line 18.
Following: "**Authority --**"
Insert: "costs --"
Following: "**rulemaking.**"
Insert: "(1)"

5. Page 1, line 19.
Strike: "the provisions of this part"
Insert: "the reporting requirements of [section 5]"

6. Page 1, line 20.
Insert: "(2) The cost of enforcement actions under [sections 1 through 6] must be paid from the general fund if the cost to the department exceeds $1,000 and federal funds are not available to pay the excess costs."

7. Page 1, line 21.
Strike: "(1)"

8. Page 1, line 22.
Strike: "(a)"
Insert: "(1)"
Renumber: subsequent subsections

9. Page 1, line 24.
Strike: "[section 4] and subsection (2) of this section"
Insert: "[sections 2 and 5]"

10. Page 1, line 29 through line 30.
Strike: subsection (2) in its entirety

11. Page 2, line 13 through line 14.
Strike: "[sections 1" on line 13 through "5]" on line 14
Insert: "[section 4]"

12. Page 3, line 10.
Strike: "5"
Insert: "6"

13. Page 4, line 1.
Strike: "5"
Insert: "6"

14. Page 4, line 3.
Strike: "5"
Insert: "6"

15. Page 4, line 4.
Strike: "5"
Insert: "6"

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 1/13/2015
SB 63, do pass. Report adopted.
SB 80, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 1/14/2015
SB 6, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.
Following: line 6
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 51, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "15-30-2618"
Insert: ", 15-31-511,"

2. Page 3, line 29.
Following: line 28
Insert: "Section 2. Section 15-31-511, MCA, is amended to read:

"15-31-511. Confidentiality of tax records. (1) Except as provided in this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any return or report required under this chapter or any other information relating to taxation secured in the administration of this chapter; or

(b) any federal return or information in or disclosed on a federal return or report required by law or rule of the department under this chapter.

(2) (a) An officer or employee charged with custody of returns and reports required by this chapter may not be ordered to produce any of them or evidence of anything contained in them in any administrative proceeding or action or proceeding in any court, except:

(i) in an action or proceeding in which the department is a party under the provisions of this chapter; or

(ii) in any other tax proceeding or on behalf of a party to an action or proceeding under the provisions of this chapter when the returns or reports or facts shown in them are directly pertinent to the action or proceeding.

(b) If the production of a return, report, or information contained in them is ordered, the court shall limit production of and the admission of returns, reports, or facts shown in them to the matters directly pertinent to the action or proceeding.

(3) This section does not prohibit:

(a) the delivery of a certified copy of any return or report filed in connection with a return to the taxpayer who filed the return or report or to the taxpayer's authorized representative;

(b) the publication of statistics prepared in a manner that prevents the identification of particular returns, reports, or items from returns or reports;

(c) the inspection of returns and reports by the attorney general or other legal representative of the state in the course of an administrative proceeding or litigation under this chapter;

(d) access to information under subsection (4);

(e) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(f) the disclosure of information to the commissioner of insurance's office that is necessary for the administration of the small business health insurance tax credit provided for in Title 33, chapter 22, part 20.

(4) On written request to the director or a designee of the director, the department shall:

(a) allow the inspection of returns and reports by the legislative auditor, but the information furnished to the legislative auditor is subject to the same restrictions on disclosure outside that office as provided in subsection (1); ~~and~~

(b) provide corporate income tax and alternative corporate income tax information, including any information that may be required under Title 15, chapter 30, part 33, to the legislative fiscal analyst, as provided in 5-12-303 or 15-1-106, and the office of budget and program planning, as provided in 15-1-106 or 17-7-111. The information furnished to the legislative fiscal analyst and the office of budget and program planning is subject to the same restrictions on disclosure outside those offices as provided in subsection (1)<u>; and</u>

<u>(c) provide to the department of commerce tax information about a taxpayer whose debt is assigned to the department of revenue for offset or collection pursuant to the terms of Title 17, chapter 4, part 1. The information provided to the department of commerce must be used for the purposes of preventing and detecting fraud or abuse and determining eligibility for grants or loans</u>.

(5) A person convicted of violating this section shall be fined not to exceed $500. If a public officer or public employee is convicted of violating this section, the person is dismissed from office or employment and may not hold any public office or public employment in the state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 95, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

January 9, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand-Delivery

Dear President Barrett:

In accordance with MCA 5-5-301 and 5-5-302, I submit to you the list of interim appointments made during the recess of the Legislature. The appointments include one cabinet appointment, three judicial appointments, and numerous appointments to Montana Boards, Councils, and Commissions.

For the cabinet appointment, I have included Mr. Livers' resume, an Executive Appointment Confirmation Review Form, and his D-1 Form.

- Department of Environmental Quality, Director, Mr. Tom Livers, appointed effective January 1, 2015.

For the judicial appointments, I have included their application packets as received by the Judicial Nominations Commission.

- 13th Judicial District, Judge Michael Moses, appointed April 18, 2014.
- Montana Supreme Court, Justice Jim Shea, appointed May 5, 2014.
- Workers' Compensation Court Judge, Judge David Sandler, appointed September 8, 2014.

For appointments to Boards, Councils and Commissions, I have included a list of all interim appointments, along with their contact information and a resume, biography or other application materials as submitted to my office for appointment.

The list of interim appointments, along with future appointments can also be sent by email to staff of your choosing. Please let me know who you would like us to coordinate with on your staff.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at extension x4405 or by email at sotterstrom@mt.gov. Thank you.

Sincerely,

STEVE BULLOCK
Governor

CC: Senator Jon Sesso, Senate Minority Leader
Marilyn Miller, Secretary of the Senate
Susan Fox, Legislative Services
Kevin Hayes, Legislative Services

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/13/2015

HB 63, introduced by K. Swanson
HB 82, introduced by G. Hertz
HB 109, introduced by D. Salomon

MOTIONS

Senator Buttrey moved **SB 129** be moved from the Public Health, Welfare and Safety committee to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 139, introduced by D. Sands, B. Bennett, referred to Judiciary.
SB 140, introduced by L. Jones, referred to Finance and Claims.
SB 141, introduced by L. Jones, referred to Education and Cultural Resources.
SB 142, introduced by C. Smith, N. Ballance, Debby Barrett, G. Bennett, S. Berglee, M. Blasdel, J. Brenden, B. Brown, D. Brown, T. Brown, C. Clark, J. Cohenour, R. Cook, A. Doane, R. Driscoll, R. Ehli, J. Fielder, S. Fitzpatrick, K. Flynn, F. Garner, C. Glimm, E. Greef, D. Hagstrom, B. Hamlett, K. Hansen, G. Hertz, S. Hess, J. Hinkle, D. Howard, D. Jones, L. Jones, D. Kary, J. Keane, B. Keenan, A. Knudsen, D. Lamm, M. Lang, S. Laszloffy, S. Lavin, F. Mandeville, T. Manzella, E. McClafferty, W. McKamey, M. McNally, M. Miller, M. Monforton, D. Moore, F. Moore, D. Mortensen, A. Olszewski, R. Osmundson, R. Pinocci, L. Randall, A. Redfield, K. Regier, V. Ricci, T. Richmond, R. Ripley, M. Rosendale, D. Sands, N. Schwaderer, S. Staffanson, N. Swandal, J. Taylor, F.

Thomas, B. Tschida, G. Vance, C. Vincent, R. Webb, D. Zolnikov, referred to Public Health, Welfare and Safety.
SB 143, introduced by C. Smith, N. Ballance, G. Bennett, S. Berglee, M. Blasdel, J. Brenden, R. Brodehl, B. Brown, A. Doane, C. Glimm, E. Greef, K. Hansen, G. Hertz, S. Hess, J. Hinkle, D. Howard, D. Jones, D. Kary, B. Keenan, A. Knudsen, D. Lamm, M. Lang, S. Laszloffy, S. Lavin, F. Mandeville, T. Manzella, W. McKamey, M. Miller, M. Monforton, F. Moore, D. Mortensen, A. Olszewski, R. Osmundson, R. Pinocci, L. Randall, A. Redfield, K. Regier, V. Ricci, T. Richmond, R. Ripley, M. Rosendale, N. Schwaderer, S. Staffanson, N. Swandal, J. Taylor, B. Tschida, G. Vance, C. Vincent, R. Webb, D. Zolnikov, referred to Judiciary.
SB 144, introduced by E. Buttrey, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 27 - Senator D. Brown moved **SB 27** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 1 - Senator Kary moved **SB 1** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 38

Nays: Arntzen, Blasdel, Brenden, Fielder, Hansen, Rosendale, Sales, Smith, Taylor, Thomas, Vincent, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Thomas, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 1 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 11 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Keenan, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 15 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 46 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance, Webb.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Facey arose on a point of privilege and thanked Senator Webb for providing lapel pins to all members of the Senate.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, January 15, 2015, the ninth legislative day. Motion carried.

Senate adjourned at 1:19 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 15, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Moe and Windy Boy excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/15/2015

Correctly printed: **SB 1**, **SB 27**, **SB 63**, **SB 78**, **SB 80**, **SB 95**, **SB 139**, **SB 140**, **SB 141**, **SB 142**, **SB 143**, **SB 144**.
Correctly engrossed: **SB 6**, **SB 51**, **SB 100**.
Transmitted to the House: **SB 1**, **SB 27**.

MOTIONS

Senator Tutvedt moved **SB 122** be moved from the Judiciary committee to the Taxation committee. Without objection, so ordered.

Majority Leader Rosendale moved the Senate recess and proceed to the House of Representatives to meet in joint session for the purpose of hearing the State of the Judiciary address presented by Chief Justice Mike McGrath, and upon adjournment of the joint session, the Senate reconvene to conduct business. Motion carried.

The Senate was introduced in the House Chambers; President Barrett assumed the chair.

Majority Leader Rosendale moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving the State of the Judiciary address from Chief Justice Mike McGrath. Motion carried.

President Barrett appointed a committee comprised of Senators Driscoll and Sales, and Representatives Dudek and Mandeville and charged the committee to accompany Chief Justice McGrath into the chambers.

President Barrett introduced Chief Justice McGrath to the joint session, and the Chief Justice gave the following speech:

*****

"Madam President, Mr. Speaker, Members of the Court, Honored Guests, Members of this Joint Assembly:

Thank you for giving me this opportunity. It is indeed an honor to be here speaking on behalf of Montana's Judiciary. It is very gracious of you to schedule the time to hear from the Executive and Judicial Branches of Montana's government.

Let me also acknowledge the work of the Legislative Auditor's office. In the past few years we have had audit reviews of the Water Court, Drug Courts, and Court Help Programs. These reviews are very helpful to us as managers and allow us the opportunity to look at issues that need addressing. So thank you for providing that service.

Once again, this session, the State of the Judiciary is a mixed bag. In Montana, our courts process about 1,000 cases each day--350,000 per year. It adds up to one case for every three Montana residents. At 1,000 cases per day, our courts are busy and the workload for court employees is very heavy. The District Courts, which are the courts of general jurisdiction that handle the most serious cases, exceeded 53,000 new cases last year--another record.

Many people come to court because their lives are in crisis. They include victims of crime and people charged with crimes, children suffering from child abuse, ranchers who can't irrigate because of a water dispute, businesses being wrongfully sued by disgruntled employees, workers injured on the job, neighbors fighting over disputed property boundaries or roads, entrepreneurs challenging the government's interpretation of legislation, and mothers seeking child support to buy diapers.

In recent years, in many places throughout the world, governments are in major transition. Citizens have risen up, not only in protest but in insurrection and civil war. Why? They want what we have. They want a right to be heard by their government. They want a place at the table when major decisions affecting their lives are being made by the government. And they want to be governed by the rule of law where disputes can be resolved by an independent and impartial system of dispute resolution.

Our founders developed a system that has become the blueprint for political and economic success for the modern world.

In the words of historian Joseph Ellis, American success is "about the triumph of representative government bottomed on the principle of popular sovereignty, a market economy fueled by the energies of our citizens, a secular state unaffiliated with any official religion, and the rule of law that presumes the equality of all."

The founders knew that the republic they had created had to be based upon the rule of law. That rule of law requires an independent and impartial manner of resolving disputes be they commercial matters, family crises, criminal charges or removal of public officers. The rule of law means that disputes are resolved without regard to the social status, political beliefs, or religious preference of the individuals involved in the dispute, and each party has the opportunity to explain his or her position to an impartial magistrate. All of us have the right to equal protection under the law, and everyone has a right to due process

In fact, our economy depends on this independent system. Investors and other businesses have the right to rely on an orderly and prompt dispute resolution process. They have the freedom to enter into contracts and the ability to have those contracts enforced.

The Judiciary in Montana understands that we have a tremendous responsibility and strive daily to ensure that we uphold these traditions.

Those 1,000 people per day that end up in our courts know that our justice system is based on the rule of law and not individual whim. Our disputes are resolved within an orderly system that provides all parties the opportunity to be heard. They know that even in the most remote courthouse in Montana, they will get a fair hearing and hopefully a timely decision.

Individual citizens have the rights enunciated in our Constitution and the ability to enforce those rights whether they are in Superior or Sidney, Billings or Butte.

And all of us have the right to expect the courts to make those decisions based on the merits of each individual case by judges independent of bias, prejudice or political influence.

The creation of these independent government branches to provide a system of checks and balances was an ingenious idea. Each Branch is independent, yet reliant on the other two. Members of all three Branches take the same oath of office "to support, protect and defend the Constitution of the United States and the Constitution of the state of Montana." As Chief Justice Roberts has noted: "By ensuring that no one in government has too much power, the Constitution helps protect ordinary Americans every day against abuse of power by those in authority."

As an independent third branch of government, our responsibilities are great but our needs are small. Our budget is less than 1 percent of the total state budget. Yet we recognize that with judicial independence comes the corresponding responsibility to be accountable: 1.) to the people who elect us, and 2) to the Legislature, especially as to how we spend public funds.

In an effort to be more accountable, the Judicial Branch has undertaken a series of performance measures. Specifically, at the Supreme Court, these measures have been implemented, and our case load continues to be current. We have no cases over 6 months old and our average time to resolve a case is less than 100 days.

The Supreme Court takes every case that is appealed. We don't go out and find disputes to resolve. We hear everything from multiple homicides to dog-at-large cases, from small claims disputes to multi-million dollar jury verdicts. We interpret laws passed by the Legislature and we have the responsibility to determine if laws pass constitutional muster. And, contrary to what some have said, we give great deference to legislative enactments. In the six years that I have been Chief Justice, 70 cases have come to us seeking to overthrow measures passed by this body as unconstitutional. We have upheld your actions in 62 of the 70 cases.

We have taken steps to make our decisions more available to the public and the process more transparent. We conduct more oral arguments in courtrooms and other locations that are

available for public viewing. We prepare summaries of those cases and stream the arguments online. And we issue a synopsis of complicated cases to make it easier for the media and the public to understand the questions decided.

In the District Courts, performance standards are also now being implemented. Procedures have been adapted to accurately measure case loads and case timeliness.

We recently completed, with the assistance of the National Center for State Courts, a systematic workload study of the District Courts. As I mentioned, last year 53,182 cases were filed---1,156 cases for each judge. That is a heavy caseload.

Yet, in the last few sessions we have experienced very lean budgets including vacancy savings and programs funded on a one-time only basis. Our branch consists of 54 independently-elected officials, 46 of who are elected from their local community. As the vast majority of our budget consists of personnel costs, it has been hard to find areas to cut.

We have done a good job of managing our resources; we have found the waste. We cut $100,000 each year for library and computer research; $90,000 each year for dues to national organizations; and $400,000 for attorneys and guardians ad litem in child custody cases. We have decimated our training program and eliminated out-of-state travel to the extent that our staff training programs are now inadequate.

We do not have sufficient personnel in our technology department to support the computer and video conferencing equipment that now exists in the 200 plus courts we support throughout Montana.

Because of low interest rates and the decline of the prices of oil and gas, we will be seeking changes in the funding mechanism of the Water Court, the branch of the Judiciary that has been tasked with resolving over 200,000 water claims in Montana. Also, Senator Vincent's SB 57 has a number of performance measures that should continue the improvement in the water adjudication process. Water rights disputes are often complicated and difficult to conclude. Our new Water Judges, Russ McElyea and Doug Ritter, are doing a great job moving these cases to final decrees. I hope the Senate will be able to confirm their appointments soon.

Additional budget reductions will fall on the backs of an overworked local judiciary and inevitably result in delay and court backlogs. Of course the losers under that scenario are your constituents, especially small business and working people.

We know that backlogged courts are bad for business. It is the commercial litigation that suffers most from court delay. Criminal cases, child abuse or custody cases, mental commitments and Youth Court cases by law must be given priority. As a result, the building contractor trying to resolve a contract dispute or the small business trying to collect a bad debt gets pushed back.

We are continuously looking to increase efficiency. Not all judicial caseloads are the same. Some districts have significantly larger caseloads than others. LC 860, to be introduced by

Representative Steve Fitzpatrick, provides the Legislature an opportunity to take an in-depth look at the current geographical boundaries of the District Courts. It provides for a commission made up of legislators, county commissioners, and judges, and requires them to analyze our workload study and make some recommendations to the 2017 Legislature if changes are warranted. This may be one method of avoiding the necessity of adding additional judges in some communities.

We have other solutions that will help reduce judicial backlogs. Most importantly, we must continue the Court Help Program statewide.

Most people and many small businesses either cannot afford an attorney, or can't find an attorney to take their case so they represent themselves. At the trial court level, the pro se matters tend to be messy, are time consuming, and are very frustrating not only for the Judge but the parties themselves.

Consider this. Almost 2/3 of the domestic relations cases, mostly divorces and parenting plans, appear in court with at least one party not represented by a lawyer. Family cases are more than 20% of the case load in District Court. To put this into real numbers, about 6,500 family law cases each year come to court with no attorney.

With a staggering number of cases each year, we must recognize this situation as one reason, if not the biggest cause, for delay in our system.

Court help is designed to assist individual Montana citizens with court service areas, places where you can get proper forms and assistance with the court process without unnecessary expense. The Judicial Branch's website receives 5,000 hits a month on the posted legal forms. Not all legal matters need attorneys. There are many ways we can simplify the process and provide people with helpful solutions. In a recent survey, an overwhelming majority of the users of the service indicated that they now understand their legal rights and were more prepared to handle their legal situation.

Our Judges agree this program does significantly increase judicial efficiency and it does reduce court backlog. Incidentally, the Court Self Help staff does not offer legal advice.

Last biennium, the Self Help centers had over 26,000 contracts with individuals and small businesses, helping them navigate through the complexity of our court system. Statewide, we do this primarily with volunteers who are recruited and trained by the limited staff that we have. Because of our tiny budget, we leverage staff with volunteer labor, often AmeriCorps volunteers. This program operates in urban and rural counties throughout Montana.

The way our citizens approach the court system is changing dramatically. Clearly our courts must adapt to these changing times.

In that regard, I would like to thank Senators Ripley and Swandal, and Representative Hunter, for serving as members of our Access to Justice Commission.

There is another area where decline in family and personal responsibility has a tremendous impact on our courts to say nothing of the devastating influences on the young children involved.

When children are seriously abused or neglected, law enforcement and state social workers are often called to intervene--called most often by doctors or teachers or other family members. Sometimes, when the parents are unable or simply will not take the responsibility to raise their children without abusing them, courts become involved. In all cases, these parents are provided with the tools and resources they need to be able to become capable parents. When these efforts fail, and by law the State is required to make every possible effort to keep these families united, the State is compelled to ask the courts to terminate the parental rights and allow these children to be permanently placed with caring, loving families.

In 2009, our Court had 36 cases where parents appealed a decision of the District Court to terminate the parental rights to their children. Last year, after increasing exponentially each year, we decided 81 cases where the District Courts permanently terminated parental rights to children--a 125% increase. In the same period of time the District Courts went from 1,006 abuse and neglect cases being filed to 1,609--a 60% increase.

As you can imagine, all of these cases present tragic and sad circumstances. They also are time consuming and costly. And, by law, they must be given priority by the courts so other cases get pushed back further in the queue.

Drug Courts and Treatment Courts have proven to be very successful in reuniting these families. Drug courts can and do save taxpayer dollars. Fortunately during the last three sessions Legislators had the foresight to fund a small portion of these courts.

Not long ago 50% of the children in foster care were there because of their parents' use of drugs, methamphetamine in particular. I suspect the number is higher now.

An incredibly high percentage, up to 90%, of prison inmates both male and female are incarcerated with chemical dependency problems. As many as half for meth. And of course many of our prisoners have severe mental illness issues.

All of these social problems cause a tremendous drain on state and local government budgets. This is why governors across the country are proposing increased funding for drug courts as a cost-saving measure.

Treatment Courts divert some of these people to less expensive and more effective alternatives. They can keep kids out of Pine Hills or even more expensive out of state placements. They divert new commitments from our prisons to less expensive alternatives in the community. They help our veterans repair their shattered lives and return to their families and communities.

Drug courts reunite broken families and turn participants into productive members of society.

On October 31, Montana had 535 active participants in a Drug Court program. We have studies that demonstrate the success of Montana's Drug Courts. Some of the highlights include:

1. Recidivism rates are lower-most Drug Court graduates do not commit new offenses.
2. Unemployment among Drug Court participants fell by 90%.
3. In the 78 months that the Branch has been collecting data, 61 babies were born while the mother was in Drug Court, and 57 of them were born drug free--a tremendous decrease in human suffering, and an immense saving of taxpayer dollars.
4. As of September 30th, there were 12 pregnant women in Drug Court, women who are receiving treatment and are subject to routine drug testing to remain drug free.

We have 24 active Drug Court dockets in Montana. Three of those are dedicated to our returning veterans that are having problems with readjustment to civilian life.

These programs are very difficult to complete. Drug Courts don't take easy clients. These people are chemically addicted and have likely never functioned as a productive member of society. Treatment Courts are a strain on judges' time and energy. However, they are very rewarding as well. They do see good things happen in a courtroom--not a common occurrence in our courts.

Nationally, it has been proven that Treatment Courts are by far the most effective thing we can do to address drug abuse and the social and crime-related problems that go with it.

Judges in Montana are committed to addressing the problems in their communities--problems they see every day.

The Judicial Branch has only 429 employees. We are a group that is dedicated and committed to our mission. Most are even passionate about the purposes and role of the rule law in our society. They understand that the hallmark of a flourishing democracy is an adequately funded judiciary that can settle people's disputes in an orderly fashion. Only in that way can the economy move forward and our citizens prosper.

Our modest proposals will help to ensure that the small business owner, the woman injured through no fault of her own, the rancher seeking legal rights to his water, the defendant wrongly accused, and the child crying in their crib get the opportunity to resolve their crises. We also hope that by making the court system more efficient and responsive to the public's needs, we can avoid coming to you in a future session asking for more Judges--something I do not want to do.

An independent, adequately funded judiciary is the key to constitutional democracy. As I have said before, WITHOUT COURTS, THERE IS NO JUSTICE. WITHOUT JUSTICE, THERE IS NO FREEDOM.

Thank you again for inviting me to speak with you today."

*****

The committee of four escorted Chief Justice McGrath from the chamber.

Majority Leader Rosendale moved the joint session be adjourned. The motion carried.

Senate reconvened at 1:41 p.m.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/15/2015
SB 4, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "~~(4)~~"
Strike: "(6)"
Insert: "(7)"

2. Page 1, line 27.
Following: "subsection"
Strike: "(6)"
Insert: "(7)"

3. Page 1, following line 29.
Insert: "(5) If a temporary vacancy occurs because the workers' compensation judge is suffering from a disability that temporarily precludes the judge from carrying out the duties of office for more than 60 days, a substitute judge must be appointed from the substitute judge list identified in subsection (7) by the current judge, if able, or by the chief justice of the supreme court. The substitute judge may not serve more than 90 days after appointment under this subsection. This subsection applies only if the workers' compensation judge is temporarily unable to carry out the duties of office due to a disability, and proceedings to permanently replace the judge under Title 3, chapter 1, part 10, may not be instituted."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 70, do pass. Report adopted.
SB 71, do pass. Report adopted.
SB 75, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 1/14/2015
SB 58, do pass. Report adopted.

STATE ADMINISTRATION (Brown, Chair): 1/14/2015
SB 16, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "APPOINTED"
Insert: "AND REVISING QUALIFICATIONS"
Following: "13-37-102"
Strike: "AND"
Insert: ","
Following: "13-37-104,"
Insert: "AND 13-37-107,"

2. Page 2, line 8.
Insert: "Section 3. Section 13-37-107, MCA, is amended to read:

"13-37-107. Commissioner of political practices -- qualifications. The individual appointed to serve as commissioner:

(1) must be a citizen of the United States and a resident of Montana as provided in 13-1-112; ~~and~~

(2) on the date of appointment, must be registered to vote in Montana;

(3) in the 2 years immediately preceding the date of the appointment, may not have:

(a) served as a fundraiser for a candidate for public office;

(b) served as an officer in a political party or for a political committee; or

(c) participated in the management or conduct of a campaign by a candidate for public office;

(4) must possess the following knowledge, skills, and abilities:

(a) a confirmable track record of highly ethical professional behavior;

(b) the demonstrable ability to be firm, fair, and unbiased in carrying out professional responsibilities;

(c) the ability to communicate effectively orally and in writing;

(d) the ability to interpret statutes, legal opinions, and regulations;

(e) the ability to supervise, organize, and motivate employees; and

(f) knowledge of the standards of evidence and due process rights that are applicable to judicial and quasi-judicial proceedings.""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 45, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/14/2015

HB 39, introduced by J. Price

HB 40, introduced by T. Berry

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 145, introduced by B. Hamlett, D. Ankney, referred to Finance and Claims.
SB 146, introduced by S. Malek, C. Kaufmann, J. Pomnichowski, C. Wolken, referred to State Administration.
SB 147, introduced by D. Howard, S. Berglee, P. Connell, T. Facey, N. Swandal, R. Webb, C. Wolken, referred to Taxation.
SB 148, introduced by C. Smith, referred to Public Health, Welfare and Safety.
SB 149, introduced by M. Rosendale, A. Olszewski, referred to Business, Labor, and Economic Affairs.
SB 150, introduced by J. Windy Boy, D. Kary, J. Keane, M. Lang, R. Lynch, E. McClafferty, R. Peppers, B. Smith, S. Stewart-Peregoy, G. Vuckovich, J. Welborn, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 65 - Senator Driscoll moved **SB 65** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 43

Nays: Brenden, Fielder, Howard, Ripley, Taylor.
Total 5

Absent or not voting: None.
Total 0

Excused: Moe, Windy Boy.
Total 2

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 47

Nays: Brenden.
Total 1

Absent or not voting: None.
Total 0

Excused: Moe, Windy Boy.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 1 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Wolken.
Total 35

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: Moe, Windy Boy.
Total 2

SB 27 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe, Windy Boy.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Friday, January 16, 2015, the tenth legislative day. Motion carried.

Senate adjourned at 1:54 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 16, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/16/2015

Correctly printed: **SB 45**, **SB 58**, **SB 65**, **SB 70**, **SB 71**, **SB 75**, **SB 145**, **SB 146**, **SB 147**, **SB 148**, **SB 149**, **SB 150**.
Correctly engrossed: **SB 4**, **SB 16**.
Transmitted to the House: **SB 65**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 1/15/2015
SB 19, do pass. Report adopted.
SB 108, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 1/15/2015
SB 10, do pass. Report adopted.
SB 111, do pass. Report adopted.
SB 114, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "ASSOCIATED" on line 7 through "RESOURCES" on line 8

2. Page 2, line 21 through line 22.
Strike: "or" on line 21 through "which" on line 22

3. Page 6.
Following: line 23
Insert: "(e) Beginning January 1, 2015, if a public utility uses hydroelectric projects and the associated renewable energy credits in order to meet the standards established in subsections (2) through (4) and sells renewable energy credits that are attributable to a renewable energy project certified by the commission as an eligible renewable resource, the public utility shall credit customers with the proceeds from the sale of those renewable energy credits that are attributable to the renewable energy project and are not:
(i) used in order to meet the standards established in subsections (2) through (4); or

(ii) carried forward in accordance with subsection (9)."

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 1/15/2015
SB 32, introduced bill, be amended as follows:

1. Page 3, line 26.
Strike: "the administration account,"

2. Page 5, line 9.
Strike: "the administration account,"

And, as amended, do pass. Report adopted.

HB 1, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 1/15/2015
SB 21, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "LICENSES"
Insert: ", PERMITS, OR TAGS"

2. Page 1, line 29.
Following: "license"
Insert: ", permit, or tag"

3. Page 2, line 2.
Following: "period."
Insert: "For each subsequent violation, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for the same period of time imposed by the court for the person's previous violation plus an additional 24 months."

4. Page 2, line 27.
Following: "replacement license"
Insert: ", permit, or tag"

5. Page 2, line 29.
Following: "period."
Insert: "For each subsequent violation, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for the same period of time imposed by the court for the person's previous violation plus an additional 24 months."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/15/2015

HB 61, introduced by M. Lang
HB 90, introduced by A. Olsen

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 151, introduced by D. Kary, referred to State Administration.
SB 152, introduced by C. Smith, referred to Business, Labor, and Economic Affairs.
SB 153, introduced by S. Sales, referred to Fish and Game.
SB 154, introduced by S. Sales, referred to Fish and Game.
SB 155, introduced by B. Tutvedt, referred to Natural Resources.
SB 156, introduced by B. Tutvedt, referred to Taxation.
SB 157, introduced by B. Tutvedt, referred to Taxation.
SB 158, introduced by D. Sands, referred to Business, Labor, and Economic Affairs.
SB 159, introduced by D. Ankney, referred to Natural Resources.
SB 160, introduced by D. Ankney, referred to Natural Resources.
SB 161, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.
SB 162, introduced by B. Keenan, referred to Business, Labor, and Economic Affairs.
SB 163, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SB 164, introduced by B. Hoven, G. Vuckovich, referred to Business, Labor, and Economic Affairs.
SB 165, introduced by Dick Barrett, referred to Judiciary.
SB 166, introduced by Dick Barrett, referred to Taxation.
SB 167, introduced by Dick Barrett, referred to Taxation.
SB 168, introduced by E. Buttrey, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Dick Barrett in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 78 - Senator Tutvedt moved **SB 78** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 100 - Senator Larsen moved **SB 100** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 63 - Senator T. Brown moved **SB 63** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 80 - Senator D. Brown moved **SB 80** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Ankney.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 6 - Senator Thomas moved **SB 6** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 95 - Senator Kaufmann moved **SB 95** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Brenden, D. Brown, Fielder.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Buttrey assumed the chair.

SB 51 - Senator Dick Barrett moved **SB 51** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 36

Nays: Arntzen, D. Brown, Buttrey, Fielder, Hinkle, Howard, Kary, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Dick Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski,

Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 65 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Brenden, Howard, Ripley.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Monday, January 19, 2015, the eleventh legislative day. Motion carried.

Senate adjourned at 1:44 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
ELEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 19, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/19/2015

Correctly printed: **SB 6**, **SB 10**, **SB 19**, **SB 51**, **SB 63**, **SB 78**, **SB 80**, **SB 95**, **SB 100**, **SB 108**, **SB 111**, **SB 151**, **SB 152**, **SB 153**, **SB 154**, **SB 155**, **SB 156**, **SB 157**, **SB 158**, **SB 159**, **SB 160**, **SB 161**, **SB 162**, **SB 163**, **SB 164**, **SB 165**, **SB 166**, **SB 167**, **SB 168**, **HB 1**.
Correctly engrossed: **SB 21**, **SB 29**, **SB 32**, **SB 50**, **SB 60**, **SB 93**, **SB 101**, **SB 109**, **SB 114**.

MOTIONS

Senator Rosendale moved that the Senate recess, beg leave to sit again at the conclusion of Senator Tester's speech, and that the Senate proceed to the House of Representatives to meet in joint session. Upon adjournment of the joint session, the Senate will reconvene. Motion carried.

The Senate was introduced in the House Chambers; President Barrett assumed the chair.

Victoria Valentine, Miss Montana 2014, sang the National Anthem.

Majority Leader Rosendale moved the Senate and House of Representatives resolve into a joint session for the purpose of hearing an address from Jon Tester, the Honorable Senator from the State of Montana. Motion carried.

President Barrett appointed a committee comprised of Senators Ankney and Malek, and Representatives Lavin and McCarthy and charged the committee to accompany Senator Tester into the chambers.

President Barrett introduced Senator Tester to the joint session, and the Senator gave the following speech:

"Thank you guys, thank you all. It is indeed great to be here today. I want to thank Madam President Debby Barrett, Speaker of the House Austin Knudsen, Minority Leaders Jon Sesso and Chuck Hunter, the entire delegation from the Montana Senate, the entire delegation from the Montana House, statewide officials--thank you all for being here. My family, especially my wife Sharla, thank you for being here.

I will tell you one thing. I would introduce my kids but grandkids are much more fun. If we'd have known that they'd be this much fun we'd have skipped the kids. So I want to introduce Kilikina and Brayden and Tucker and Dallin and Abbey. Thank you all for being here today.

It is great to be back home, back home in the Montana Legislature. The last time I was in this body as a State Senator was ten years ago. And during my time in the State Legislature during those eight years I learned a lot like caring for folks with disabilities and mental illness from a chap by the name of Senator John Cobb. I learned about educational funding and the intricacies of it from my seat mate then, Spook Stang. I learned about election reform from a fellow by the name of Fred Thomas. I learned about the challenges of the poor and the elderly from Senator Eve Franklin. And I remember sitting in a joint session, just like this, listening to Montana's Congressional delegation speak one by one. I remember wanting to hear ideas about how the state and the federal government could work in concert to move Montana forward. And that is why I'm here today: to talk about where we've been, where we're at today and how we can work together at the state and federal levels.

I want to step back in time just for a moment--back to September of 2008 when I was in the U.S. Senate and the Secretary of Treasury called and told us in a conference call that we were then, in September of 2008, on the cusp of an economic meltdown. Now this was a big surprise, because nobody saw it coming. A few months later, in January of 2009, this country was losing more than 800,000 jobs a month. During that year of 2009 there were more than one million foreclosures. Yes, we were indeed on the verge of an economic meltdown.

So in February of 2009 Congress acted, and they acted by passing a very controversial bill. Many of you remember it was called the American Recovery and Reinvestment Act. We invested in highways, water systems, public lands. We passed tax incentives for education, energy and housing. We strengthened the social safety net like unemployment insurance. And as of last month, December of 2014, some five years later, the economy is now adding more than 250,000 jobs a month. Unemployment rate in this state is at 4.3%, much less than the national average. Gas prices--depending if you're buying or selling on whether it's a good deal--are less than two bucks a gallon. Housing mortgage rates around the country are 3.8% and you can buy a new car in some places with an interest rate of less than 2%. And in 2014 foreclosures were down nearly 70% from those in 2009. Yes, our economy is growing, growing like we've not seen it for years, but there is more work to do to increase the prosperity for working families and for small businesses.

With all the good signs in this robust economy, there are some troubling signs. As a group, individuals with less than a college degree are losing net worth. Manufacturing jobs are 7% below the median wage for all other occupations. And that is why at a federal and state level we need to focus on the policies that empower the middle class and create good-paying jobs. Because during my lifetime the middle class of this great country has been the envy of the world.

So how do we do it? I think we do it by investing in three basic areas: Infrastructure, Research and Development, and Public Education.

Our investment in infrastructure is less than 2% of this nation's GDP. Less than 2%. In fact, some figures suggest that we spent less than six-tenths of 1% on infrastructure during this last year. To

put that in perspective, China is spending nearly 10% of their GDP on infrastructure.

But it's not about who spends the most money or who spends the most of their GDP It's about who's going to be able to compete in this global economy we all live in. It's about who is going to enable future generations to have a 21st century economy.

Report after report after report has told us about our roads and our bridges being in disrepair. It should be a sign for the folks in Washington DC as our Highway Bill expires in May of this year. At the federal level we need to pass a long-term highway bill. A bill that's viable for 6 years in duration, and that is paid for. Why? Well, the answer's obvious in a state like Montana, a rural state, where we have few people per square mile but yet thousands of miles of roads. We have a state where agriculture is still our number one industry. We have a state where a functional highway bill and a functional highway system will allow businesses to be able to market their goods inside and outside the state, and keep Montana families connected.

I think back some 20 years ago when I took a little trip up into southern Saskatchewan to get some seed. I jumped in my truck, we hauled up there, we crossed the border, we got on the highways and I was literally bouncing off the cab of my truck. The roads, the paved roads, were that rough. They were so rough that I moved a section line over and went to my destination on the gravel roads. Now I'm sure Saskatchewan has invested in their infrastructure, at least I hope they did. But it is time for this country, both at the state level and, quite frankly, you at the legislative level to invest in our highways and our roads and our bridges once again.

As far as Federal Aviation Administration Reauthorization, it also expires this year in September. It is time to bring our air system into the 21st century.

We need to invest in airports around this country, especially in Montana's airports. We need to develop next generation radar basically utilizing GPS so that our planes can fly more efficiently and more effectively. We need to have some help for more of the smaller airports to be able to attract airfares. That can all be done in the Reauthorization of the FAA. Why is this important to a state like Montana? Because affordable air traffic in and out of Montana would be an incredible boost to our economy. If we make these investments into our air system, it will make our air travel more efficient and hopefully in the end much more affordable so that we can get those travelers into this state.

As far as broadband goes in the infrastructure realm I would say this. There was a report released last week on broadband access in the United States. Montana ranked 43rd. Here's the real bad news: as a country, this country ranks behind Barbados. It's 24th in the world as far as broadband access. Expanding broadband helps folks that live in rural America. That's Montana. It increases educational opportunities for students to get that 21st century education. It helps businesses do business in places around the country even though they might be located here.

Now I bring these issues up because the legislature's going to be considering a bonding bill. The Governor's put it forth; I commend Representative Jeff Welborn for carrying it. I would just say this: as I look at interest rates as they are today compared to where they were when I was serving in the State Senate, interest rates are low and the return on investments is relatively healthy. I think

it makes sense to bond for these projects. Investing in infrastructure will help us remain competitive in the global economy as we move the country forward by investing in research and development.

Now research and development--who thinks about that kind of stuff? Well, as a nation we lead the world in research and development, but without serious public investment it will put our economy at a tremendous disadvantage. Make no mistake about it, R & D gives us incredible returns. Finding the next medical cure or innovation won't happen without public investments in R & D. Finding ways to burn the energy we have in a cleaner way or finding the next source of affordable energy won't happen without public investments in R & D. And maybe most importantly, returning the manufacturing base back to this country that was outsourced so many decades ago will not take place without public investments in R & D.

Public education. It is well documented that I, at one point of time in my life, was a teacher. I know there are many former teachers in this body. My mom was a teacher. I've had aunts that were teachers, my kid's a teacher, my son-in-law's a teacher. Education is the key to prosperity--it is the key to our democracy. Our democracy would not exist without an educated society. Public education brings all folks together of all ilks, together to learn. Whether they're rich, whether they're poor, regardless of their heritage, regardless of their business. All these kids come to school and learn together. Now the parents might not have gotten along too well and, knowing Big Sandy, south of town were the ranchers and west of town were the farmers. They didn't care much for what the other was doing but their kids all went to the same school. And they learned, they learned to get along.

Now some in this body think that Charter schools are the answer. And I would ask you this, with charter schools how many kids will you influence positively? How many kids will you influence negatively? Because the fact is, you pull those charter students out of the student body of those public schools, some that are small already, and the school would become even smaller. It will impact classes inside the school and all classes of schools. So the question I have to ask is if charter schools are implemented, what impact will it have on a place like Culbertson School District? What impact will it have on a place like Beaverhead High in Dillon? One small school, one reasonably big school. If you really want to help the next generation of leaders to be competitive in this global economy, we need to value the work that our teachers do and we need to hold them accountable. You cannot expect the best of the best to go to college and get a degree in education as long as our society is paying them less than a starting manager at a Kentucky Fried Chicken.

Which leads me to higher ed. The state's investment in higher education has declined an average of 20% since 1987. I was in this body for a part of that time so it's not all your fault, and it's not any fault of the folks that are new here.

But I think it is time to think about what we're doing. Remember when I opened this talk up? I talked about the folks who weren't doing well in this robust economy: the folks that didn't have a higher education degree. Well, college affordability is a part of that problem. And I would say if you compared my generation, and I graduated from college in 1978, to today's generation graduating from college, one of the biggest differences is the amount of debt load that our kids are carrying. Thirty, forty, fifty thousand dollars is not uncommon. We need to make an investment in higher ed. It was said by a Montana regent some fifteen years ago that "If you don't make the investment in

education, how can you expect to ever receive the dividend?" That was true then, it is true today.

So what can you do? The Governor has a plan called Early Edge for early childhood education. I think you need to take a look at that bill. Put your fingerprints on it, but in the end I would hope that you would invest in early childhood education. It will help today's youth compete in tomorrow's economy. The dividends are undeniable.

As two-year and four-year colleges go, we cannot afford as an economy or as a society to have kids coming out of school with thirty, forty, fifty thousand dollars in debt. If it isn't paid for by us the taxpayer, it will be paid for by tuition expenses. We need a better-trained workforce, we need more entrepreneurs. And I say that in a state that has the most entrepreneurs per capita than any other state in the union. But we need more if we're going to continue to propel our economy forward.

The federal solutions are there too and we need to act at the federal level. So it doesn't go without some fingers pointing back at us. Expand Pell Grants, work to keep student loan interest rates low and fix or, my preference, repeal No Child Left Behind.

Our public education system is the key to higher wages. It is the key to bringing people out of poverty, it is the key to our democracy, it is the key to that vibrant middle class and that stronger economy that we all want.

It was about a year ago, maybe two, a fellow that ran the Federal Reserve, a guy of the name of Chairman Ben Bernanke retired. He came in front of a group of people which I was a part of. I asked him what his biggest concern about our economy was assuming he would talk about our national debt which is a big concern. Here's what he said. "My biggest concern is the economy of this country. We cannot leave a third world economy to our kids." And that is why we must invest in infrastructure, R & D and education. And I would hope that you would step up on these very difficult issues and do the right thing to keep our economy going in the right direction.

Now, I want to address two other issues that I think are important to Montanans and will be dealt with in this legislative session.

One is public lands. Just the facts: Montana's public lands generate 64,000 jobs and contribute six billion, with a B, six billion dollars towards our state's economy. There are some that want to turn federal lands over to the state. And I would tell you this. There are 30 million acres of federal lands in this state. The federal government spends an average of $8 an acre to manage that. You can do the math but it's $240 million. We have a balanced budget in this state, and thank God for that. Where is the state going to come up with $240 million? Where is the state going to come up with firefighting costs, money for Secure Rural Schools and Payment In Lieu of Taxes? Are we going to be able to allow grazing fees on federal lands to remain at less than $2 an animal unit per month?

It will leave only one option and that is to sell the lands that belong to the whole country, not just to Montana. And when these lands are sold, the $6 billion economy will be gone, those 64,000 jobs will be gone, along with our favorite fishing holes, our favorite hunting drainages, our favorite hiking spots.

Look, I have my frustrations with how the federal government is managing those lands but there are solutions. There are solutions to maintaining those fishing holes and those hunting drainages and those hiking and biking spots. And it's called collaboration. True, on-the-ground collaboration. Where folks of all persuasions come together and compromise and determine ways to manage our federal forests better.

Now I would be remiss if I didn't talk a little bit about the Affordable Care Act. I could talk about the good points of the Affordable Care Act: covering pre-existing conditions, lifetime caps eliminated, 30,000 more Montanans newly insured, seniors saving millions of dollars through the prescription drug donut hole. Some of you opposed to that bill could talk about how it's too complex, which would be correct, or how premiums and deductible have gone up way too much.

And by the way, I want to say thanks to Monica Lindeen and the Insurance Commissioner's office. Because of her good work and that office's good work Montanans have received millions of dollars back from insurance companies for unjustified premium increases.

But the fact is that everyone in this room are Montanans who have worked together before and can work together again. We need to agree whether we want to work together to improve this Act. We need to work together to see if we can make this work. Now there are things at the federal level we need to do too like simplifying tax reporting, improving the SHOP Marketplace for small businesses, and fixing the "family glitch." And there's more.

But at the state level, what the press has been reporting on with some regularity is a thing called Medicaid Expansion. It is a proven fact that expanding Medicaid will ensure more families have access to health care. The Medicaid Gap in this state is 70,000 people. And it isn't about people who don't work, it's about people who do work but don't make a livable wage and don't hit that $12,000 level.

While staying in a hotel in Anaconda not long ago, the lady who cleaned the rooms came out and said "I can't get healthcare." I said, "Why not?" and she said, "I don't make enough money." I said, "How much money do you make?" She says "I make just over $11,000." If we had Medicaid expansion that hardworking woman, and she is truly a hardworking woman, would be able to have healthcare. Even more importantly--even more importantly-- in states that have expanded Medicaid, charity care dropped 30% saving millions of dollars for hospitals and stopping the cost shifting that goes on under the old system.

We cannot go back to the broken system of the past where uninsured folks didn't have access to health care. Where a neighbor who got cancer through no fault of his own, he was just born into the wrong gene pool, hit a lifetime cap and was faced with having to sell the farm. Where my best friend from high school with childhood diabetes had to stay with the same job for the last 37 years because if he moved jobs before the Affordable Healthcare Act he couldn't keep his insurance. For those that say we cannot depend on the Federal Government to live up to this promise of Medicaid expansion, I would say: with a budget that is 45%-plus federal dollars, why did you pick this one?

In closing, we have important work to do. We have the greatest, the absolute greatest of governmental systems in the state of Montana where you all come together as hardworking

Montanans to a place to make policy. A place where you're not paid enough to make a living so you're doing it for public service for all the right reasons. We call that a Citizen Legislature. You make the laws in this body and then you have to go back home and operate under the laws that you've made in this body. There's no better system, no state has a better system than we do in Montana. We have a Citizen Legislature that is transparent. It is accessible by both the press and the public. We have a Citizen Legislature that encourages participation by our constituents and we need to keep it that way.

If we make our best decisions today, tomorrow we will have moved our state and nation forward in a way that will make our children proud. And that's why we're here.

God bless Montana, God bless this country, and thank you all very much."

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The committee of four escorted Senator Tester from the chamber.

Majority Leader Rosendale moved the joint session be adjourned. The motion carried.

Senate reconvened at 1:45 p.m.

COMMUNICATIONS AND PETITIONS

January 13, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, MT 59620

Dear President Barrett:

I am submitting the names of the Chief Water Judge and Associate Water Judge for Senate confirmation. I appoint both judges following recommendations from the Judicial Nomination Commission. In accordance with Section 3-1-1013, MCA, the appointments are subject to confirmation.

The two appointees are:

> Chief Water Court Judge Russell McElyea, appointed as Chief Water Judge on August 1, 2013, for a term ending July 31, 2017
>
> Associate Water Court Judge Douglas Ritter, appointed as Associate Water Judge on September 16, 2013, to fill a term ending on June 30, 2016

The application packet from the Judicial Nomination Commission for both judges is attached.

Senator Nels Swandal has expressed an interest in carrying both confirmations although I would, of course, defer to you. Thank you in advance for your attention to this matter.

Sincerely,

MIKE MCGRATH
Chief Justice

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 1/16/2015
SB 29, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "waive"
Insert: "or discount"

And, as amended, do pass. Report adopted.

JUDICIARY (Sales, Chair): 1/16/2015
SB 26, do pass. Report adopted.
SB 50, introduced bill, be amended as follows:

1. Page 1, line 14.
Following: "loiters"
Insert: "in person or by means of a remote electronic device"

2. Page 1, line 16.
Following: "
~~manner~~"
Insert: "in a surreptitious manner"

3. Page 1, line 18.
Following: "electronic"
Strike: "or mechanical recording"
Following: "~~surreptitiously~~"
Insert: "surreptitiously observing or"

4. Page 2, line 2 through line 3.
Strike: "(a)"
Following: "convicted of"
Strike: remainder of line 2 through "residence" on page 2, line 3

Insert: "an offense under subsection (1) or (2)"

5. Page 2, line 7 through line 11.
Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

SB 60, introduced bill, be amended as follows:

1. Page 1, line 24 through line 26.
Following: "be" on line 24
Strike: "punished" on line 24 through "imprisonment" on line 25
Insert: "fined an amount not to exceed $10,000 or be imprisoned"
Following: "5 years"
Strike: "or more" on line 25 through "$10,000" on line 26
Insert: ", or both"

2. Page 1, line 29.
Strike: "18 years of age or older"
Insert: "more than 3 years older than the victim"

3. Page 2, line 1.
Following: "exceed"
Strike: "$10,000"
Insert: "$50,000"
Following: "not"
Strike: "more"
Insert: "less"
Following: "than"
Strike: "10 years"
Insert: "4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years"

4. Page 2, line 29 through line 30.
Strike: "45-5-504(2)(a) or (2)(b)" on line 29 through "older)," on line 30

5. Page 2, line 30.
Following: "45-5-504(2)(c)"
Insert: ", 45-5-504(3) (if the victim is less than 16 years of age and the offender is 3 or more years older than the victim),"
Strike: "or (3),"

And, as amended, do pass. Report adopted.

SB 67, do pass. Report adopted.

SB 93, introduced bill, be amended as follows:

1. Page 2, line 5.
Following: "purpose" on line 5
Insert: "as defined by the department"

2. Page 2, line 7 through line 18.
Strike: subsection (3)(a) in its entirety
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 101, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "MINIMUM AMOUNT"
Insert: "PERCENTAGE"

2. Page 2, line 5.
Strike: "may"
Insert: "shall"
Following: "set a"
Strike: "minimum amount"
Insert: "percentage"

3. Page 2, line 7.
Strike: "worker"

4. Page 2, line 8.
Strike: "may"
Insert: "shall"
Following: "former"
Strike: "inmate worker's"
Insert: "inmate, the inmate's"
Following: "landlord"
Insert: ","

5. Page 3, line 13.
Strike: "may"
Insert: "shall"
Following: "set a"
Strike: "minimum amount"
Insert: "percentage"

6. Page 3, line 15.
Strike: "worker"

7. Page 3, line 16.
Strike: "may"
Insert: "shall"

Strike: "inmate worker's"
Insert: "inmate, the inmate's"
Following: "landlord"
Insert: ","

And, as amended, do pass. Report adopted.

SB 109, introduced bill, be amended as follows:

1. Page 1, line 11.
Strike: "may"
Insert: "shall"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

January 16, 2015

The Honorable Debby Barrett
President, Montana State Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

In accordance with Section 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Alternative Health Care
MCA 2-15-1730

Ms. Ingrid Lovitt-Abramson, PO Box 8343, Missoula, MT 59807 was appointed to serve a term starting January 16, 2015 and ending September 1, 2018. Ms. Lovitt-Abramson fulfills the qualifications of Public Representative for the board.

Board of Pardons and Parole

MCA 2-15-2302

Mr. William "Bill" Lee McChesney, 316 Missouri, Miles City, MT 59301 was appointed to serve a term starting January 16, 2015 and ending January 1, 2019. Mr. McChesney fulfills the qualifications of Public Representative.

I have included the appointees' resumes, biographies, or applications materials for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at sotterstrom@mt.gov or by phone at extension x4405. Thank you.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 169, introduced by B. Hamlett, referred to State Administration.
SB 170, introduced by Dick Barrett, referred to Taxation.
SB 171, introduced by B. Tutvedt, B. Hoven, referred to Taxation.
SB 172, introduced by S. Stewart-Peregoy, J. Windy Boy, referred to Natural Resources.
SB 173, introduced by C. Kaufmann, referred to Natural Resources.
SB 174, introduced by M. Moe, E. Buttrey, referred to Business, Labor, and Economic Affairs.
SB 175, introduced by C. Wolken, referred to Taxation.
SB 176, introduced by J. Pomnichowski, Dick Barrett, J. Brenden, Z. Brown, E. Buttrey, C. Clark, J. Cohenour, R. Cook, J. Ellis, T. Facey, M. Funk, K. Hansen, D. Hayman, S. Hess, E. Hill, J. Karjala, E. Lieser, S. Malek, E. McClafferty, M. McNally, M. Moe, P. Noonan, A. Olsen, M. Phillips, C. Pope, J. Price, R. Shaw, B. Smith, T. Steenberg, J. Welborn, L. Whitford, K. Williams, N. Wilson, J. Windy Boy, T. Woods, referred to Natural Resources.
SB 177, introduced by M. McNally, T. Facey, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Malek in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 4 - Senator Facey moved **SB 4** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Brenden, Rosendale, Sales, Thomas, Webb.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 70 - Senator Keane moved **SB 70** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 71 - Senator Keane moved **SB 71** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 27

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent,

Webb, Ms. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 75 - Senator Vuckovich moved **SB 75** do pass.

SB 75 - Senator Facey moved **SB 75**, second reading copy, be amended as follows:

1. Page 1, line 23.
Following: "has"
Strike: "reason"
Insert: "probable cause"

2. Page 1, line 27.
Following: "notice"
Strike: "alleging the"
Insert: "stating the alleged"

3. Page 3, line 11.
Following: "there is"
Strike: "a reason"
Insert: "probable cause"

4. Page 4, line 20.
Following: "has"
Strike: "reason"
Insert: "probable cause"

5. Page 4, line 29.
Following: "notice"
Strike: "alleging the"
Insert: "stating the alleged"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Windy Boy disclosed a conflict of interest with **SB 75**.

SB 75 - Senator Vuckovich moved **SB 75**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 58 - Senator Connell moved **SB 58** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Rosendale, Tutvedt.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 1 - Senator Taylor moved **HB 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Arntzen.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Malek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 6 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 51 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Rosendale, Sales, Smith, Taylor, Vance, Vincent.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 63 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 78 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 80 passed as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Ankney.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 95 passed as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Arntzen, Brenden, Fielder.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 100 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the coming week:

Westhenry Ioerger from White Sulphur Springs, sponsored by Senator Hamlett
Tristen Belgarde from Box Elder, sponsored by Senator Windy Boy
Ben Sheldahl from Helena, sponsored by Senator Driscoll
Emily Morley from Anaconda, sponsored by Senator Vuckovich

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, January 20, 2015, the twelfth legislative day. Motion carried.

Senate adjourned at 2:26 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TWELFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 20, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/20/2015
Correctly printed: **SB 4**, **SB 26**, **SB 58**, **SB 67**, **SB 70**, **SB 71**, **SB 169**, **SB 170**, **SB 171**, **SB 172**, **SB 173**, **SB 174**, **SB 175**, **SB 176**, **SB 177**, **HB 1**.
Correctly engrossed: **SB 75**.
Transmitted to the House: **SB 6**, **SB 51**, **SB 63**, **SB 78**, **SB 80**, **SB 95**, **SB 100**, **HB 1**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/20/2015
SB 36, do pass. Report adopted.

LOCAL GOVERNMENT (Taylor, Chair): 1/19/2015
SB 28, do pass. Report adopted.
SB 44, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "SALE OR"

2. Title, line 6.
Following: "7-33-2202"
Strike: ","
Insert: "AND"
Following: "7-33-2206"
Strike: "AND 50-37-102,"

3. Page 2, line 10.
Strike: "wildland"
Following: "may"
Insert: ", by ordinance,"

4. Page 2, line 11.
Strike: "sale and"

5. Page 2, line 12.

Following: "state"
Insert: ", tribal,"

6. Page 2, line 19.
Strike: "sells or"
Strike: "sale or"

7. Page 2, line 22 through page 3, line 6.
Strike: section 3 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 113, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 1/19/2015
SB 8, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/19/2015

HB 64, introduced by S. Webber
HB 91, introduced by C. Clark
HB 105, introduced by T. Woods
HB 108, introduced by D. Salomon
HB 136, introduced by J. Eck
HB 143, introduced by N. McConnell

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 178, introduced by M. Moe, M. Dunwell, R. Lynch, S. Malek, K. McCarthy, J. Price, C. Wolken, referred to Education and Cultural Resources.
SB 179, introduced by C. Kaufmann, E. McClafferty, referred to Judiciary.
SB 180, introduced by B. Hoven, referred to Taxation.
SB 181, introduced by E. Arntzen, referred to Business, Labor, and Economic Affairs.
SB 182, introduced by M. Phillips, Dick Barrett, R. Driscoll, J. Fielder, C. Larsen, M. McNally, J. Pomnichowski, C. Pope, A. Wittich, referred to Energy and Telecommunications.
SB 183, introduced by T. Brown, referred to Agriculture, Livestock and Irrigation.
SB 184, introduced by J. Cohenour, S. Lavin, referred to Highways and Transportation.
SB 185, introduced by D. Kary, E. Arntzen, M. Blasdel, R. Driscoll, B. Harris, G. Hertz, D. Howard,

D. Moore, T. Richmond, C. Smith, N. Swandal, F. Thomas, G. Vance, R. Webb, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 7, introduced by R. Webb, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator T. Brown in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 19 - Senator Ripley moved **SB 19** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Arntzen, Fielder, Rosendale.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 108 - Senator F. Moore moved **SB 108** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 10 - Senator Keane moved **SB 10** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - Senator Ankney moved **SB 111** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 114 - Senator Debby Barrett moved **SB 114** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 32 - Senator Sesso moved **SB 32** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 21 - Senator Cohenour moved **SB 21** do pass. Motion carried as follows:

Yeas: Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Fielder, Howard, Jones, Kary, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Thomas, Vance, Webb, Ms. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 45 - Senator Brenden moved **SB 45** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, McNally, Moore, Pomnichowski, Ripley, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 32

Nays: Arntzen, Barrett Dick, T. Brown, Cohenour, Driscoll, Facey, Kaufmann, Keenan, Larsen, Malek, Moe, Phillips, Rosendale, Sands, Thomas, Tutvedt, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair T. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Phillips.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 4 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Brenden, Rosendale, Sales, Thomas, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 58 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: D. Brown, Rosendale, Tutvedt.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 70 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 71 passed as follows:

Yeas: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 36

Nays: Arntzen, Blasdel, D. Brown, Fielder, Hinkle, Howard, Kary, Moore, Rosendale, Smith, Swandal, Taylor, Vance, Vincent.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 1 concurred in as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Arntzen, Vincent.
Total 2

Absent or not voting: None.

Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Wednesday, January 21, 2015, the thirteenth legislative day. Motion carried.

Senate adjourned at 2:06 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 21, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Keane excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/21/2015
Correctly printed: **SB 8**, **SB 10**, **SB 19**, **SB 21**, **SB 28**, **SB 32**, **SB 36**, **SB 45**, **SB 108**, **SB 111**, **SB 113**, **SB 114**, **SB 178**, **SB 179**, **SB 180**, **SB 181**, **SB 182**, **SB 183**, **SB 184**, **SB 185**, **SJ 7**.
Correctly engrossed: **SB 44**.
Transmitted to the House: **SB 4**, **SB 58**, **SB 70**, **SB 71**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 1/20/2015
SB 31, introduced bill, be amended as follows:

1. Page 3, line 22.
Strike: "or without"

And, as amended, do pass. Report adopted.

SB 62, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "81-6-104" on line 6 through "81-7-303,"

2. Page 1, line 20.
Strike: "February 1"
Insert: "the assessment date"

3. Page 2, line 19 through page 4, line 4.
Strike: section 5 through section 8 in their entirety
Renumber: subsequent sections

4. Page 4, line 9.
Strike: "February 1"
Insert: "the regular assessment date"

5. Page 4, line 12.

Strike: "February 1 of each year"
Insert: "the regular assessment date"

And, as amended, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/20/2015
SB 98, introduced bill, be amended as follows:

1. Title, page 1, line 8, through page 1, line 10.
Strike: "GIVING" on page 1, line 8 through "RULE;" on page 1, line 10

2. Title, page 1, line 16.
Strike: "32-9-120,"

3. Page 6, line 5.
Strike: "[Section 13]"
Insert: "[section 12]"

4. Page 8, line 16.
Strike: "individual"
Insert: "entity"

5. Page 8, line 17.
Strike: "individual"
Insert: "entity"

6. Page 12, line 14 through page 13, line 22.
Strike: section 9 in its entirety
Renumber: subsequent sections

7. Page 24, line 4.
Strike: "13"
Insert: "12"

8. Page 24, line 5.
Strike: "13"
Insert: "12"

And, as amended, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/21/2015
SB 35, do pass. Report adopted.

JUDICIARY (Sales, Chair): 1/21/2015
SB 59, do pass. Report adopted.
SB 139, do pass. Report adopted.

Senator Keane present at this time.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/20/2015

HB 32, introduced by K. Wagoner
HB 38, introduced by C. Schreiner
HB 46, introduced by M. Tropila
HB 49, introduced by Z. Perry
HB 75, introduced by S. Hess
HB 81, introduced by R. Lynch
HB 110, introduced by K. Holmlund
HB 134, introduced by J. Eck
HB 147, introduced by A. Wittich

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 186, introduced by R. Webb, referred to Judiciary.
SB 187, introduced by J. Fielder, N. Swandal, referred to Judiciary.
SB 188, introduced by C. Vincent, referred to Natural Resources.
SB 189, introduced by M. Phillips, referred to Fish and Game.
SB 190, introduced by M. Phillips, B. Keenan, J. Sesso, referred to Taxation.
SB 191, introduced by R. Driscoll, referred to State Administration.
SB 192, introduced by R. Driscoll, referred to Business, Labor, and Economic Affairs.
SB 193, introduced by B. Tutvedt, referred to Business, Labor, and Economic Affairs.
SB 194, introduced by M. Caferro, referred to Taxation.
SB 195, introduced by M. Caferro, C. Larsen, referred to State Administration.
SB 196, introduced by M. Caferro, C. Larsen, referred to Business, Labor, and Economic Affairs.
SB 197, introduced by M. Caferro, referred to Business, Labor, and Economic Affairs.
SB 198, introduced by M. Caferro, referred to State Administration.
SB 199, introduced by J. Taylor, D. Ankney, N. Ballance, Debby Barrett, G. Bennett, M. Blasdel, J. Brenden, R. Brodehl, B. Brown, D. Brown, C. Clark, M. Cuffe, A. Doane, J. Fielder, F. Garner, C. Glimm, K. Hansen, B. Harris, S. Hess, J. Hinkle, D. Kary, D. Lamm, S. Laszloffy, S. Lavin, G. Meyers, D. Moore, F. Moore, M. Noland, A. Olszewski, R. Pinocci, K. Regier, T. Richmond, R. Ripley, M. Rosendale, N. Schwaderer, N. Swandal, B. Tschida, G. Vance, C. Vincent, R. Webb,

K. White, A. Wittich, D. Zolnikov, referred to Judiciary.
SB 200, introduced by D. Ankney, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 32, introduced by K. Wagoner (by request of the Department of Justice), referred to Judiciary.
HB 38, introduced by C. Schreiner (by request of the Department of Justice), referred to Business, Labor, and Economic Affairs.
HB 39, introduced by J. Price (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 40, introduced by T. Berry (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Natural Resources.
HB 46, introduced by M. Tropila (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 49, introduced by Z. Perry (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 61, introduced by M. Lang (by request of the Public Service Commission), referred to Natural Resources.
HB 63, introduced by K. Swanson (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 64, introduced by S. Webber (by request of the Department of Military Affairs), referred to State Administration.
HB 75, introduced by S. Hess (by request of the Department of Justice), referred to Judiciary.
HB 81, introduced by R. Lynch (by request of the Board of Barbers and Cosmetologists), referred to Business, Labor, and Economic Affairs.
HB 82, introduced by G. Hertz (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 90, introduced by A. Olsen (by request of the Department of Labor and Industry), referred to Natural Resources.
HB 91, introduced by C. Clark (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 105, introduced by T. Woods (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 108, introduced by D. Salomon (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 109, introduced by D. Salomon (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 110, introduced by K. Holmlund (by request of the Board of Funeral Service), referred to Business, Labor, and Economic Affairs.
HB 122, introduced by L. Randall (by request of the Department of Revenue), referred to Taxation.
HB 134, introduced by J. Eck (by request of the Department of Corrections), referred to Judiciary.
HB 136, introduced by J. Eck (by request of the Department of Corrections), referred to Judiciary.
HB 143, introduced by N. McConnell (by request of the Public Defender Commission), referred to Judiciary.
HB 147, introduced by A. Wittich, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Windy Boy in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 29 - Senator T. Brown moved **SB 29** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 26 - Senator Swandal moved **SB 26** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 50 - Senator Fielder moved **SB 50** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 60 - Senator Driscoll moved **SB 60** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 93 - Senator Connell moved **SB 93** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 36

Nays: Arntzen, Blasdel, Facey, Hinkle, Kary, Malek, Sales, Sands, Smith, Taylor, Thomas,

Vance, Vincent, Webb.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 101 - Senator Driscoll moved **SB 101** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Arntzen, Blasdel, Brenden, D. Brown, Caferro, Fielder, Hansen, Hinkle, Kary, Keenan, Ripley, Rosendale, Taylor, Thomas, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 109 - Senator Swandal moved **SB 109** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Tutvedt.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Windy Boy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 10 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Connell.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 19 passed as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Arntzen.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 21 passed as follows:

Yeas: Barrett Dick, T. Brown, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 27

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Fielder, Hansen, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Ms. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 32 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 45 passed as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Larsen, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Ms. President.
Total 32

Nays: Arntzen, Barrett Dick, T. Brown, Cohenour, Driscoll, Facey, Howard, Kaufmann, Keenan, Malek, Moe, Phillips, Sands, Tutvedt, Vincent, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 75 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 108 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 114 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 34

Nays: Barrett Dick, Buttrey, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, January 22, 2015, the fourteenth legislative day. Motion carried.

Senate adjourned at 1:47 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FOURTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 22, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Phillips, Ripley and Wolken, excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/22/2015
Correctly printed: **SB 26**, **SB 29**, **SB 35**, **SB 50**, **SB 59**, **SB 60**, **SB 93**, **SB 101**, **SB 109**, **SB 139**, **SB 186**, **SB 187**, **SB 188**, **SB 189**, **SB 190**, **SB 191**, **SB 192**, **SB 193**, **SB 194**, **SB 195**, **SB 196**, **SB 197**, **SB 198**, **SB 199**, **SB 200**.
Correctly engrossed: **SB 31**, **SB 62**, **SB 98**.
Transmitted to the House: **SB 10**, **SB 19**, **SB 21**, **SB 32**, **SB 45**, **SB 75**, **SB 108**, **SB 111**, **SB 114**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Sales, Chair): 1/21/2015
SB 61, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.
Following: "AMOUNTS;" on line 6
Strike: remainder of line 6 through "NONPAYMENT;" on line 7

2. Page 1, line 13 through page 2, line 2.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 2, line 20 through line 21.
Following: "defendant cited"
Strike: remainder of line 20 through "1]" on line 21
Insert: "with civil contempt pursuant to Title 3, chapter 1, part 5, 3-10-401, or 3-11-303"

4. Page 3, line 29.
Strike: "and [section 1]"
Insert: "or cited with civil contempt pursuant to Title 3, chapter 1, part 5, 3-10-401, or 3-11-303"

5. Page 4, line 27 through line 28.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 1/21/2015
SB 57, introduced bill, be amended as follows:

1. Page 11, line 2.
Following: "the amount"
Insert: "necessary when combined with available and unencumbered fund balance, to fund the amount"

And, as amended, do pass. Report adopted.

SB 82, do pass. Report adopted.
SB 88, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "GRANTING RULEMAKING AUTHORITY;"

2. Page 3, line 5 through line 6.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

3. Page 4, line 1 through line 10.
Strike: section 8 in its entirety
Renumber: subsequent sections

4. Page 4, line 16 through line 18.
Strike: section 10 in its entirety
Renumber: subsequent sections

5. Page 4, line 24.
Strike: "10"
Insert: "8"

6. Page 4, line 26.
Strike: "10"
Insert: "8"

And, as amended, do pass. Report adopted.

SB 96, introduced bill, be amended as follows:

1. Page 6, line 24.
Following: "environment"

Strike: ";"
Insert: "and there is no readily apparent person who is financially viable and potentially liable under 75-10-715 to conduct the remedial action; or"

2. Page 6, line 25.
Following: "collection"
Insert: ", the monitoring of the performance of remedial action,"

3. Page 6, line 26 through line 27.
Strike: "; or" on line 26 through "actions" on line 27

4. Page 6, line 28.
Strike: "During a biennium, the"
Insert: "The"

5. Page 6, line 29.
Strike: "subsections (12)(b) and (12)(c)"
Insert: "subsection (12)(b)"
Strike: "25%"
Insert: "20%"
Strike: "available"
Insert: "appropriated"

6. Page 6, line 30.
Strike: "at the beginning of the biennium"
Insert: "for the bienniums beginning July 1, 2015, and ending June 30, 2025. For the bienniums beginning July 1, 2025, no more than 15% of the funds appropriated from the orphan share account may be used for data collection, initial assessments, or monitoring pursuant to subsection (12)(b)"

And, as amended, do pass. Report adopted.

SB 102, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/21/2015

HB 31, introduced by K. Kelker
HB 50, introduced by T. Steenberg
HB 57, introduced by M. Funk
HB 66, introduced by G. Hertz
HB 79, introduced by R. Lynch
HB 95, introduced by K. McCarthy

HB 163, introduced by N. Schwaderer

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

1/21/2015

SJ 1, introduced by M. Rosendale

MOTIONS

Senator Brenden moved **SB 44** be removed from the second reading agenda this date and placed on second reading Monday, January 26, the seventeenth legislative day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 201, introduced by D. Ankney, referred to Natural Resources.
SB 202, introduced by Dick Barrett, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 8, introduced by R. Webb, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 31, introduced by K. Kelker (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
HB 50, introduced by T. Steenberg (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.
HB 57, introduced by M. Funk (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 66, introduced by G. Hertz (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
HB 79, introduced by R. Lynch (by request of the Board of Plumbers and the State Electrical Board), referred to Business, Labor, and Economic Affairs.
HB 95, introduced by K. McCarthy (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 163, introduced by N. Schwaderer, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for

consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 36 - Senator Facey moved **SB 36** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 28 - Senator Cohenour moved **SB 28** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy.
Total 34

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hinkle, Sales, Smith, Thomas, Vance, Vincent, Webb, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 113 - Senator Sesso moved **SB 113** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary,

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Ms. President.
Total 41

Nays: Hinkle, Rosendale, Sales, Smith, Vance, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 8 - Senator Webb moved **SB 8** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 16 - Senator D. Brown moved **SB 16** do pass.

SB 16 - Senator F. Moore moved **SB 16**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Following: "MCA"
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 27.
Strike: section 4 in its entirety

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 16 - Senator D. Brown moved **SB 16**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 19

Paired: Ripley, Aye; Sands, No.

Absent or not voting: None.
Total 0

Excused: Phillips, Wolken.
Total 2

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 26 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 29 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 46

Nays: Caferro.
Total 1

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 50 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 60 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 46

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 93 failed as follows:

Yeas: Ankney, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Keane, Larsen, Moe, Moore, Rosendale, Sesso, Swandal,

Tutvedt, Vuckovich, Ms. President.
Total 23

Nays: Arntzen, Barrett Dick, Blasdel, Brenden, Cohenour, Facey, Hinkle, Kary, Kaufmann, Keenan, Malek, McNally, Pomnichowski, Sales, Sands, Smith, Stewart-Peregoy, Taylor, Thomas, Vance, Vincent, Webb, Whitford, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 101 passed as follows:

Yeas: Ankney, Barrett Dick, Blasdel, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Ms. President.
Total 37

Nays: Arntzen, Brenden, D. Brown, Caferro, Fielder, Hinkle, Kary, Rosendale, Taylor, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 109 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Friday, January 23, 2015, the fifteenth legislative day. Motion carried.

Senate adjourned at 1:42 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

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SENATE JOURNAL
64TH LEGISLATURE
FIFTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 23, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Senator Arntzen. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Caferro, Phillips and Sands excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/23/2015
Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the first, second, third, fourth, and fifth legislative days, find the same to be correct.

Correctly printed: **SB 8**, **SB 28**, **SB 36**, **SB 82**, **SB 102**, **SB 113**, **SB 201**, **SB 202**, **SJ 8**.
Correctly engrossed: **SB 16**, **SB 57**, **SB 61**, **SB 88**, **SB 96**.
Transmitted to the House: **SB 26**, **SB 29**, **SB 50**, **SB 60**, **SB 101**, **SB 109**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/23/2015
SB 52, introduced bill, be amended as follows:

1. Page 8, line 8.
Following: "$300."
Insert: "Individual series of members as defined in 35-8-102 of a limited liability company formed as a special purpose captive insurance company, incorporated protected cells, and unincorporated protected cells are not required to pay the registration or renewal fee under this subsection (4)(b)."

2. Page 8, line 14 through line 18.
Strike: subsection (6) in its entirety

And, as amended, do pass. Report adopted.

SB 76, introduced bill, be amended as follows:

1. Page 1, line 5.
Following: "BY"
Insert: "A LICENSING BOARD OR"

2. Page 1, line 13.
Following: "(1)"

Strike: "The department"
Insert: "A board, or the department if authorized by the board, or the department for programs without a board"

3. Page 1, line 27.
Following: "subsection (2),"
Strike: "the department"
Insert: "a board, or the department if authorized by the board, or the department for programs without a board"

4. Page 1, line 30.
Following: "(i)"
Strike: "the department"
Insert: "a board, or the department if authorized by the board, or the department for programs without a board"

5. Page 5, line 3.
Following: "education"
Insert: "or continued state, regional, or national certification for licensure"

6. Page 5, line 8.
Following: "37-1-141, the"
Insert: "board or"

7. Page 5, line 11.
Following: "(4) The"
Insert: "board or"

8. Page 5, line 13.
Following: "(5) The"
Insert: "board or"

And, as amended, do pass. Report adopted.

SB 77, introduced bill, be amended as follows:

1. Page 2.
Following: line 20
Insert: "(i) has as the individual's principal residence or place of medical practice the state of Montana or practices telemedicine as defined in 37-3-102;"
Renumber: subsequent subsections

2. Page 2, line 26.
Following: "~~37-3-342 and~~"
Insert: "had as the principal residence or place of medical practice the state of Montana or

practiced telemedicine as defined in 37-3-102 and"

3. Page 4.
Following: line 21
Insert: "(13) (a) "Telemedicine" means the practice of medicine using interactive electronic communications, information technology, or other means between a licensee in one location and a patient in another location with or without an intervening health care provider. Telemedicine typically involves the application of secure videoconferencing or store-and-forward technology, as defined in 33-22-138.
(b) The term does not mean an audio-only telephone conversation, an e-mail or instant messaging conversation, or a message sent by facsimile transmission."

4. Page 5, line 15.
Following: "technician"
Strike: ","
Insert: "or"

5. Page 5, line 16.
Strike: "or other" through "unlicensed health care worker"

6. Page 5, line 21.
Following: "arts,"
Strike: "and"
Insert: "including physical therapists and other licensees"

And, as amended, do pass. Report adopted.

SB 104, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 1/22/2015
SB 38, do pass. Report adopted.
SB 117, do pass. Report adopted.

JUDICIARY (Sales, Chair): 1/23/2015
SB 68, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "REMOVING"
Insert: "EXTENDING"

2. Title, line 6.
Strike: "REPEALING"
Insert: "AMENDING"

3. Page 1, line 11.

Strike: section 1 in its entirety
Insert: "Section 1. Section 14, Chapter 374, Laws of 2009, is amended to read: "Section 14. Termination. [This act] terminates June 30, ~~2015~~ 2021."

And, as amended, do pass. Report adopted.

SB 90, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "61-5-212," on page 1, line 7

2. Page 4, line 1.
Following: "property"
Insert: "not exceeding $1,500 in value"

3. Page 4, line 23.
Following: "subsection(3)"
Strike: "(b)"
Insert: "(c)"

4. Page 4.
Following: line 24
Insert: "(b) A person convicted of a second or subsequent offense of issuing a bad check shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a period not to exceed 6 months."

5. Page 4, line 25.
Strike: "(b)"
Insert: "(c)"

6. Page 5, line 16.
Strike: "1 day"
Insert: "3 days"

7. Page 6, line 12.
Following: "offense."
Insert: "A person convicted of a second or subsequent offense of maintaining a public nuisance after abatement of a public nuisance constituting the first offense shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a period not to exceed 6 months."

8. Page 6, line 21.
Following: "~~first~~"
Insert: "first"

9. Page 6, line 24.

Following: "~~months~~."
Insert: "The penalty for second and subsequent violations of this section is a fine of not more than $500 and imprisonment for not less than 2 days or more than 6 months."

10. Page 6, line 26.
Strike: "penalty"
Insert: "penalties"

11. Page 7, line 15 through page 8, line 26.
Strike: section 8 in its entirety
Renumber: subsequent sections

12. Page 9, line 29.
Following: "~~both~~"
Insert: "or by imprisonment in the county jail for not more than 10 days, or both"

13. Page 9, line 30.
Following: "~~both~~"
Insert: "or by imprisonment in the county jail for not more than 6 months, or both"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/22/2015

HB 65, introduced by M. Funk
HB 74, introduced by R. Lynch
HB 84, introduced by B. Bennett
HB 100, introduced by F. Garner
HB 125, introduced by K. Swanson
HB 141, introduced by M. Dunwell

MOTIONS

Senator Brenden moved **SB 44** be taken from second reading Monday, January 26, 2015, and placed on second reading Saturday, January 24, the sixteenth legislative day. Without objection so ordered.

Senator Connell moved to reconsider action on **SB 93** and that **SB 93** be placed on third reading this same day. Motion carried as follows:

Yeas: Ankney, Arntzen, T. Brown, Buttrey, Connell, Driscoll, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sesso,

Swandal, Thomas, Tutvedt, Vuckovich, Wolken, Ms. President.
Total 27

Nays: Barrett Dick, Blasdel, Brenden, D. Brown, Cohenour, Facey, Fielder, Kary, Keenan, Malek, McNally, Sales, Smith, Stewart-Peregoy, Taylor, Vance, Vincent, Webb, Whitford, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 203, introduced by B. Hamlett, referred to Natural Resources.
SB 204, introduced by S. Stewart-Peregoy, R. Driscoll, C. Kaufmann, G. Kipp, S. Malek, C. Pease-Lopez, R. Peppers, Z. Perry, B. Smith, S. Webber, L. Whitford, J. Windy Boy, referred to Local Government.
SB 205, introduced by R. Driscoll, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 65, introduced by M. Funk (by request of the Department of Administration), referred to Local Government.
HB 74, introduced by R. Lynch (by request of the Department of Justice), referred to Judiciary.
HB 84, introduced by B. Bennett (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
HB 100, introduced by F. Garner (by request of the Public Safety Officer Standards and Training Council), referred to Public Health, Welfare and Safety.
HB 125, introduced by K. Swanson (by request of the Department of Administration), referred to Finance and Claims.
HB 141, introduced by M. Dunwell (by request of the Department of Corrections), referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hamlett in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 31 - Senator Whitford moved **SB 31** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

SB 62 - Senator T. Brown moved **SB 62** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

SB 35 - Senator Facey moved **SB 35** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Taylor.
Total 1

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

SB 98 - Senator Facey moved **SB 98** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Vance, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

SB 67 - Senator Larsen moved **SB 67** do pass. Motion carried as follows:

Yeas: Barrett Dick, T. Brown, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 28

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Hansen, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

SB 59 - Senator Driscoll moved **SB 59** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Hansen, Keenan.
Total 2

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Keenan, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 8 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary,

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

SB 28 passed as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 35

Nays: Arntzen, Brenden, Hinkle, Keenan, Ripley, Sales, Smith, Thomas, Vance, Vincent, Webb, Ms. President.
Total 12

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

SB 36 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.
Total 3

SB 113 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 41

Nays: Hinkle, Rosendale, Sales, Smith, Vance, Ms. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

SB 93 passed as follows:

Yeas: Ankney, Arntzen, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, McNally, Moe, Moore, Ripley, Rosendale, Sesso, Swandal, Taylor, Tutvedt, Vuckovich, Wolken, Ms. President.
Total 28

Nays: Barrett Dick, Blasdel, Brenden, Cohenour, Facey, Hinkle, Kary, Keenan, Malek, Pomnichowski, Sales, Smith, Stewart-Peregoy, Thomas, Vance, Vincent, Webb, Whitford, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:00 a.m., Saturday, January 24, 2015, the sixteenth legislative day. Motion carried.

Senate adjourned at 1:47 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 24, 2015 — State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-five members present, Senators Caferro, Phillips, Sands, Thomas, and Wolken, excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/24/2015
Correctly printed: **SB 31**, **SB 35**, **SB 38**, **SB 59**, **SB 62**, **SB 67**, **SB 98**, **SB 104**, **SB 117**, **SB 203**, **SB 204**, **SB 205**.
Correctly engrossed: **SB 52**, **SB 68**, **SB 76**, **SB 77**, **SB 90**.
Transmitted to the House: **SB 8**, **SB 28**, **SB 36**, **SB 93**, **SB 113**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/23/2015
SB 105, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 11.
Strike: "REQUIRING" on line 10 through "UNITS;" on line 11

2. Title, page 1, line 12.
Strike: "39-51-1213,"

3. Page 15, line 24 through page 17, line 7.
Strike: section 8 in its entirety
Renumber: subsequent sections

4. Page 22, line 23 through page 23, line 9.
Strike: sections 14 and 15 in their entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 1/23/2015
SB 34, do pass. Report adopted.

SB 37, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "DECREE;"
Insert: "ELIMINATING CERTAIN PROCESSING FEES;"
Strike: "AND"
Strike: "85-2-225,"

2. Title, page 1, line 8.
Following: "MCA"
Insert: "; AND REPEALING SECTION 85-2-225, MCA"

3. Page 4, line 4.
Strike: "3"
Insert: "2"

4. Page 4, line 5.
Strike: "all" through "county"
Insert: "a daily newspaper of general county circulation"

5. Page 4, line 7.
Strike: "property taxpayer"
Insert: "unique property owner"
Strike: ", postage prepaid,"

6. Page 4, line 7 through line 8.
Strike: "before" on line 7 through "2017" on line 8
Insert: "by January 1, 2016, and one time by July 1, 2016"

7. Page 4, line 13 through line 28.
Strike: section 4 in its entirety
Renumber: subsequent sections

8. Page 11.
Following: line 26
Insert: "NEW SECTION. **Section 8. Repealer.** The following section of the Montana Code Annotated is repealed:
85-2-225. Filing fee -- processing fee for remitted claims."

And, as amended, do pass. Report adopted.

SB 49, do pass. Report adopted.
SB 56, do pass. Report adopted.

SJ 5, introduced joint resolution, be amended as follows:

1. Title, page 1, line 7.
Following: "WATER"

Insert: "AND DITCH"

2. Page 1, line 18.
Following: "water"
Insert: "and ditch"

3. Page 1, line 24.
Following: "water"
Insert: "and ditch"

4. Page 1, line 25.
Strike: "changing"
Strike: "to that of a district court, and"
Insert: ", district courts, and the department of natural resources and conservation, and if necessary"

5. Page 1, line 28.
Following: "water"
Insert: "and ditch"

6. Page 1, line 29.
Following: "agencies"
Strike: "and"
Insert: ","
Following: "courts"
Insert: ", and water users"
Following: "related to water"
Insert: "and ditch"
Following: "rights;"
Strike: "and"

7. Page 1, line 30.
Following: "water"
Insert: "and ditch"
Following: "states"
Insert: "; and
(4) the impacts any changes may have on water users"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 1/23/2015
SB 43, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "AND"

Insert: "EXCEPT"

2. Page 2, line 24.
Following: "pursuant to"
Strike: "this section"
Insert: "subsections (3), (4), or (5)"

3. Page 2, line 27.
Strike: "other than an attorney"

And, as amended, do pass. Report adopted.

SB 72, do pass. Report adopted.
SB 94, do pass. Report adopted.
SB 124, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Strike: "24 HOURS"
Insert: "1 BUSINESS DAY"

2. Page 1, line 24.
Strike: "24 hours"
Insert: "1 business day"

And, as amended, do pass. Report adopted.

SJ 6, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/23/2015

HB 41, introduced by C. Hunter
HB 52, introduced by M. Dunwell
HB 60, introduced by W. Curdy
HB 97, introduced by E. McClafferty
HB 104, introduced by J. Eck
HB 112, introduced by K. Regier
HB 121, introduced by J. Karjala
HB 168, introduced by S. Fitzpatrick

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 2, introduced by D. Brown, referred to State Administration.
SR 3, introduced by T. Brown, referred to Agriculture, Livestock and Irrigation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 9, introduced by J. Brenden, Debby Barrett, M. Cuffe, J. Fielder, K. Hansen, J. Hinkle, B. Hoven, R. Ripley, M. Rosendale, C. Smith, N. Swandal, G. Vance, C. Vincent, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Taylor in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 82 - Senator Hamlett moved **SB 82** do pass. Motion carried as follows:

Yeas: Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 38

Nays: Ankney, Barrett Dick, Brenden, Driscoll, Kaufmann, Keane, Sesso.
Total 7

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SB 88 - Senator Brenden moved **SB 88** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley,

Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SB 102 - Senator Ankney moved **SB 102** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SJ 1 - **House Amendments** - Senator Rosendale moved House amendments to **SJ 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 42

Nays: Barrett Dick, Kaufmann, Malek.
Total 3

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SB 44 - Senator Brenden moved **SB 44** do pass. Motion **failed** as follows:

Yeas: Barrett Dick, Brenden, D. Brown, Driscoll, Fielder, Hamlett, Jones, Kaufmann, Keane, Keenan, Larsen, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Swandal, Taylor, Vance, Webb, Ms. President.
Total 23

Nays: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Cohenour, Connell, Facey, Hansen, Hinkle, Hoven, Howard, Kary, Malek, Moe, Smith, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy.
Total 23

Paired: D. Brown, Aye; Thomas, No.

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Wolken.
Total 4

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Taylor moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 44

Nays: Brenden.
Total 1

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 16 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Malek, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 33

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, McNally, Moe, Pomnichowski, Sesso, Whitford.
Total 12

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SB 31 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SB 35 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary,

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 44

Nays: Taylor.
Total 1

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SB 59 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 43

Nays: Hansen, Keenan.
Total 2

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SB 62 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SB 67 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy.
Total 29

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SB 98 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy.
Total 30

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Vance, Vincent, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.
Total 5

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Monday, January 26, 2015, the seventeenth legislative day. Motion carried.

Senate adjourned at 9:00 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 26, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Caferro and Jones excused . Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/26/2015
Correctly printed: **SB 34**, **SB 49**, **SB 56**, **SB 72**, **SB 82**, **SB 88**, **SB 94**, **SB 102**, **SR 2**, **SR 3, SJ 6**, **SJ 9**
Correctly engrossed: **SB 37**, **SB 43**, **SB 105**, **SB 124**, **SJ 5**.
Transmitted to the House: **SB 16**, **SB 31**, **SB 35**, **SB 59**, **SB 62**, **SB 67**, **SB 98**.

MESSAGES FROM THE GOVERNOR

January 23, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with Section 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council, and commission appointments:

Board of Public Education
MCA 2-15-1508

Ms. Darlene Schottle, 33552 Cherry Lane, Bigfork, MT 59911, was appointed to serve a term starting February 1, 2015 and ending February 1, 2022. Ms. Schottle fulfills the qualifications of District 1, Independent for the Board.

Board of Housing
MCA 2-15-1814

Mr. Robert L. Gauthier, 36737 Bouchard Road, Ronan, MT 59864, was reappointed to serve a term ending January 1, 2019. Mr. Gauthier fulfills the qualifications of Public Representative for the Board.

Ms. Jeanette McKee, 133 Creekside Drive, Hamilton, MT 59840, was reappointed to serve a term ending January 1, 2019. Ms. McKee fulfills the qualifications of Public Representative for the Board.

Ms. Sheila Marie Rice, Neighborhood Housing Services, 509 1st Avenue S., Great Falls, MT 59401, was reappointed to serve a term ending January 1, 2019. Ms. Rice fulfills the qualifications of Public Representative for the Board.

State Parks and Recreation Board
MCA 2-15-3406

Ms. Mary Sexton, PO Box 1303, Choteau, MT 59422, was reappointed to serve a term ending January 1, 2019. Ms. Sexton fulfills the qualifications of District 3 Representative for the Board.

Mr. Tom Towe, 2739 Gregory Drive South, Billings, MT 59102, was reappointed to serve a term ending January 1, 2019. Mr. Towe fulfills the qualifications of District 5 Representative for the Board.

Board of Public Assistance
MCA 2-15-2203

Ms. Helen Schmitt, 222 4th Avenue NE, Sidney, MT 59270, was reappointed to serve a term ending January 1, 2019. Ms. Schmitt fulfills the qualifications of Public Representative for the Board.

I have included the appointees' resumes, biographies, or application materials for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/24/2015

HB 16, introduced by Regier
HB 36, introduced by R. Lynch

HB 80, introduced by R. Lynch
HB 83, introduced by D. Hayman
HB 98, introduced by E. McClafferty
HB 99, introduced by E. McClafferty
HB 102, introduced by R. Pinocci
HB 103, introduced by Z. Brown
HB 124, introduced by W. McKamey
HB 144, introduced by A. Redfield
HB 184, introduced by G. Hertz
HB 199, introduced by J. Ellis

MOTIONS

Senator Pomnichowski moved **SB 176** be moved from the Natural Resources committee to the Agriculture, Livestock and Irrigation committee. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 52 - Senator Cohenour moved consideration of **SB 52** be placed at the bottom of the second reading board. Without objection, Chair Tutvedt placed consideration of **SB 52** before the final bill on the board.

SB 76 - Senator Vuckovich moved **SB 76** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 29

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance.
Total 19

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

SB 77 - Senator Debby Barrett moved **SB 77** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

SB 104 - Senator Arntzen moved **SB 104** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Blasdel, Brenden, Fielder, Howard, Keane, Ripley, Rosendale, Sesso, Vincent.
Total 9

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

SB 38 - Senator Whitford moved **SB 38** do pass. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Nays: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

SB 38 - Senator Rosendale moved **SB 38** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

SB 52 - Senator Cohenour moved **SB 52** do pass. Motion **failed** as follows:

Yeas: Barrett Dick, T. Brown, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 24

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

SB 52 - Senator Rosendale moved **SB 52** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 23

Nays: Ankney, Barrett Dick, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

Senator Buttrey assumed the chair.

SB 117 - Senator Tutvedt moved **SB 117** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Brenden, Fielder, Howard, Moore, Ripley, Sales, Smith, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Larsen, Moe, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 38

Nays: Kaufmann, Keane, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 10

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 82 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Barrett Dick, Brenden, D. Brown, Driscoll, Kaufmann, Keane, Rosendale, Sesso.
Total 8

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

SB 88 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

SB 102 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

SJ 1 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Barrett Dick, Cohenour, Kaufmann, Larsen, Malek, Phillips.
Total 6

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.

Total 2

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 206, introduced by F. Thomas, N. Ballance, T. Burnett, R. Ehli, D. Jones, C. Smith, R. Webb, A. Wittich, referred to Public Health, Welfare and Safety.
SB 207, introduced by B. Tutvedt, referred to Public Health, Welfare and Safety.
SB 208, introduced by J. Windy Boy, J. Keane, S. Malek, B. Smith, S. Stewart-Peregoy, G. Vuckovich, S. Webber, L. Whitford, referred to Business, Labor, and Economic Affairs.
SB 209, introduced by M. Rosendale, D. Zolnikov, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 16, introduced by Regier (by request of the Public Service Commission), referred to Energy and Telecommunications.
HB 36, introduced by R. Lynch (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 41, introduced by C. Hunter (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 52, introduced by M. Dunwell (by request of the Department of Revenue), referred to Taxation.
HB 60, introduced by W. Curdy (by request of the Department of Transportation), referred to Highways and Transportation.
HB 80, introduced by R. Lynch (by request of the Board of Plumbers and the State Electrical Board), referred to Business, Labor, and Economic Affairs.
HB 83, introduced by D. Hayman (by request of the Department of Commerce), referred to Highways and Transportation.
HB 97, introduced by E. McClafferty (by request of the Department of Transportation), referred to Highways and Transportation.
HB 98, introduced by E. McClafferty (by request of the Department of Transportation), referred to Highways and Transportation.
HB 99, introduced by E. McClafferty (by request of the Department of Transportation), referred to Highways and Transportation.
HB 103, introduced by Z. Brown (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 104, introduced by J. Eck (by request of the Department of Transportation), referred to Highways and Transportation.
HB 112, introduced by K. Regier, referred to Energy and Telecommunications.
HB 121, introduced by J. Karjala (by request of the Department of Administration), referred to Finance and Claims.
HB 124, introduced by W. McKamey (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 144, introduced by A. Redfield, referred to Fish and Game.

HB 168, introduced by S. Fitzpatrick, Clark, Fiscus, Glimm, Hertz, D. Jones, Lang, Lavin, Pinocci, Regier, Schreiner, Schwaderer, and White, referred to Natural Resources.
HB 184, introduced by G. Hertz, referred to Business, Labor, and Economic Affairs.
HB 199, introduced by J. Ellis, referred to Fish and Game.

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the coming week:

Cody Barnes from Wolf Creek, sponsored by Senator Ripley
Cyrine Boumediene from Billings, sponsored by Senator McNally
Kjersten Sandru from Twin Bridges, sponsored by Senator Debby Barrett
Chance Wessel from Bozeman, sponsored by Senator Sales

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, January 27, 2015, the eighteenth legislative day. Motion carried.

Senate adjourned at 1:50 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

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SENATE JOURNAL
64TH LEGISLATURE
EIGHTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 27, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Caferro and Larsen excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/27/2015
Correctly printed: **SB 76**, **SB 77**, **SB 104**, **SB 117**, **SB 206**, **SB 207**, **SB 208**, **SB 209**.
Correctly enrolled: **SJ 1**.
Examined by the sponsor and found to be correct: **SJ 1**.
Transmitted to the House: **SB 82**, **SB 88**, **SB 102**.
Signed by the Secretary of the Senate at 1:25 p.m., January 27, 2015: **SJ 1**.
Signed by the President at 3:15 p.m., January 27, 2015: **SJ 1**.

Republicans and Democrats each met in caucus; Senate reconvened at 1:30 p.m.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Sales, Chair): 1/27/2015
SB 131, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 1/26/2015
SB 125, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND"

2. Title, page 1, line 6.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 12.
Following: "physician"
Insert: "or advanced practice registered nurse"

4. Page 2, line 18.
Following: "physician"
Insert: "or advanced practice registered nurse"

5. Page 3, line 18.

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 133, do pass. Report adopted.
SB 142, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "AND"
Following: "IMMUNITY"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 16.
Following: line 16
Insert: "(2) "Health care facility" has the meaning provided in 50-5-101."
Renumber: subsequent subsections

3. Page 4, line 9.
Strike: "hospital or"
Strike: "licensed under Title 50, chapter 5,"

4. Page 4, line 14.
Strike: "hospital or"

5. Page 4, line 15.
Strike: "hospital or"

6. Page 5, line 6.
Following: "pharmacist,"
Insert: "a health care facility, a health care provider,"

7. Page 5, line 8.
Following: "manufacturer"
Insert: ", pharmacist, health care facility, health care provider,"

8. Page 5, line 22.
Insert: "NEW SECTION. **Section 14. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/26/2015

HB 26, introduced by M. MacDonald
HB 53, introduced by A. Person
HB 130, introduced by E. Hill
HB 135, introduced by J. Eck
HB 139, introduced by N. McConnell

MOTIONS

Senator Cohenour moved to reconsider action on **SB 52** and that **SB 52** be placed on second reading on Friday, January 30, the 21st legislative day. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Kaufmann, Keane, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 32

Nays: Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hinkle, Howard, Jones, Kary, Keenan, Rosendale, Sales, Smith, Vance, Vincent, Webb.
Total 16

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 210, introduced by G. Vuckovich, referred to Agriculture, Livestock and Irrigation.
SB 211, introduced by E. Buttrey, referred to Public Health, Welfare and Safety.
SB 212, introduced by S. Sales, referred to Taxation.
SB 213, introduced by F. Thomas, S. Laszloffy, referred to Education and Cultural Resources.
SB 214, introduced by E. Arntzen, referred to Local Government.
SB 215, introduced by J. Fielder, referred to Natural Resources.
SB 216, introduced by R. Webb, referred to Public Health, Welfare and Safety.
SB 217, introduced by K. Hansen, referred to Public Health, Welfare and Safety.
SB 218, introduced by M. Moe, referred to Natural Resources.
SB 219, introduced by J. Taylor, D. Mortensen, N. Swandal, referred to Judiciary.

SB 220, introduced by C. Kaufmann, referred to State Administration.
SB 221, introduced by Debby Barrett, R. Shaw, referred to Natural Resources.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 4, introduced by B. Tutvedt, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 26, introduced by M. MacDonald (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 53, introduced by A. Person (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 130, introduced by E. Hill, referred to Judiciary.
HB 135, introduced by J. Eck (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 139, introduced by N. McConnell (by request of the Public Defender Commission), referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 68 - Senator Moe moved consideration of **SB 68** be passed to February 4, 2015, the twenty-fifth legislative day. Without objection, so ordered.

SB 139 - Senator Sands moved **SB 139** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 90 - Senator Swandal moved **SB 90** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Hinkle.
Total 1

Paired: Caferro, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 61 - Senator Driscoll moved **SB 61** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 76 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 27

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 77 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt,

Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 104 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Blasdel, Brenden, Fielder, Keane, Ripley, Rosendale, Smith, Tutvedt, Vincent, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 117 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Brenden, Fielder, Howard, Moore, Ripley, Sales, Smith, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Wednesday, January 28, 2015, the nineteenth legislative day. Motion carried.

Senate adjourned at 1:57 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
NINETEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 28, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present. Senators Brenden, Caferro and Larsen excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/28/2015
Correctly printed: **SB 61**, **SB 90**, **SB 131**, **SB 133**, **SB 139**, **SB 210**, **SB 211**, **SB 212**, **SB 213**, **SB 214**, **SB 215**, **SB 216**, **SB 217**, **SB 218**, **SB 219**, **SB 220**, **SB 221**, **SR 4**.
Correctly engrossed: **SB 125**, **SB 142**.
Transmitted to the House: **SB 76**, **SB 77**, **SB 104**, **SB 117**.
Signed by the Secretary of the Senate at 1:05 p.m., January 27, 2015: **SJ 1**.
Signed by the President at 3:15 p.m., January 27, 2015: **SJ 1**.
Signed by the Speaker at 3:25 p.m., January 27, 2015: **SJ 1**.
Delivered to the Secretary of State at 9:55 a.m., January 28, 2015: **SJ 1**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/28/2015
SB 39, introduced bill, be amended as follows:

1. Page 1, line 25.
Following: "(a)"
Strike: "(i)"

2. Page 1, line 26 through line 27.
Following: "resolved;" on line 26
Strike: "and" on line 26 through "filed;" on line 27

3. Page 2, line 8.
Following: "person;"
Insert: "or"

4. Page 2, line 10 through line 12.
Strike: "; or" on line 10 through "in the patent" on line 12

5. Page 2, line 21.
Following: "owner of a patent"
Insert: "or a licensee"

And, as amended, do pass. Report adopted.

SB 84, do pass. Report adopted.
SB 85, do pass. Report adopted.
SB 135, do pass. Report adopted.
SB 152, do pass. Report adopted.
SB 164, do pass. Report adopted.

FISH AND GAME (Ripley, Vice Chair): 1/27/2015
SB 154, do pass. Report adopted.
HB 82, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 1/27/2015
SB 184, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 1/28/2015
SB 92, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/27/2015

HB 25, introduced by M. MacDonald
HB 115, introduced by M. Funk
HB 157, introduced by Z. Perry
HB 183, introduced by F. Mandeville

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 222, introduced by G. Vance, referred to Judiciary.
SB 223, introduced by G. Vance, referred to Judiciary.
SB 224, introduced by C. Wolken, K. Hansen, A. Knudsen, N. Swandal, referred to Judiciary.
SB 225, introduced by D. Brown, referred to State Administration.
SB 226, introduced by R. Webb, referred to Local Government.
SB 227, introduced by J. Windy Boy, B. Hamlett, referred to Judiciary.
SB 228, introduced by J. Windy Boy, referred to Highways and Transportation.
SB 229, introduced by B. Tutvedt, B. Hamlett, referred to Energy and Telecommunications.
SB 230, introduced by C. Vincent, referred to Fish and Game.
SB 231, introduced by N. Swandal, referred to Judiciary.

SB 232, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.
SB 233, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
SB 234, introduced by F. Thomas, T. Jacobson, A. Olszewski, referred to Business, Labor, and Economic Affairs.
SB 235, introduced by K. Hansen, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 10, introduced by L. Jones, referred to Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 25, introduced by M. MacDonald (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 115, introduced by M. Funk (by request of the Board of Nursing), referred to Business, Labor, and Economic Affairs.
HB 157, introduced by Z. Perry, referred to Education and Cultural Resources.
HB 183, introduced by F. Mandeville, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ripley in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 37 - Senator Fielder moved consideration of **SB 37** be passed for the day. Without objection, so ordered.

SB 57 - Senator Vincent moved **SB 57** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Caferro, Larsen.
Total 3

SB 34 - Senator Facey moved **SB 34** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Caferro, Larsen.
Total 3

SB 49 - Senator Keane moved **SB 49** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Caferro, Larsen.
Total 3

SB 56 - Senator Hamlett moved **SB 56** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann,

Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Caferro, Larsen.
Total 3

SJ 5 - Senator Vincent moved **SJ 5** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Caferro, Larsen.
Total 3

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Ripley moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Caferro, Larsen.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 61 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Keenan.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Caferro, Larsen.
Total 3

SB 90 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Keenan.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Caferro, Larsen.

Total 3

SB 139 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: D. Brown, Fielder.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden, Caferro, Larsen.
Total 3

MOTIONS

Senator L. Jones moved **SB 57** and **SB 34** be re-referred to the Finance and Claims committee. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Caferro, Larsen.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate recess until 6:30 p.m., this day. Motion carried.

Senate recessed at 1:40 p.m.

Senate was called back to order at 6:30 p.m. President Barrett presiding.

MOTIONS

Majority Leader Rosendale moved the Senate recess and proceed to the House of Representatives for the Governor's State of the State address. Upon adjournment of the joint session, the Senate will be adjourned until the hour of 1:00 p.m., Thursday, January 29. Motion carried.

SPECIAL ORDERS OF THE DAY

The Senate was introduced in the House Chambers; President Barrett assumed the chair.

Majority Leader Rosendale moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving the State of the State address from the Honorable Steve Bullock, Governor of the State of Montana. Motion carried.

Majority Leader Rosendale moved that the President be authorized to appoint a committee of four to notify Governor Bullock that the Senate and House of Representatives are in joint session and ready to receive the address. Without objection, the President appointed Senators Jones and Kaufmann, and Representatives Custer and McConnell and charged the committee to escort Governor Bullock into the chambers.

Invocation by Representative Pease-Lopez. Posting of colors by the members of the Montana Youth Challenge Color Guard. National Anthem sung by Lizzie Johnson, a fifth grader from Helena.

The committee of four escorted Governor Bullock into the chamber. President Barrett introduced Governor Bullock and the Governor gave the following speech:

"Madam President, Mr. Speaker, members of the 64th Legislature, Lieutenant Governor McLean, honored members of our judiciary, my fellow statewide officials, distinguished tribal leaders, members of the Cabinet and my staff. My wife Lisa, and our three children, Caroline, Alex and Cameron:

Two years ago I stood in this chamber and told you I would work hard every day, guided by my values and the values of Main Street, mainstream Montana, to promote and protect this place we love. To grow opportunities. To pass on a better place to our kids and grandkids. I told you I'd focus on the people of our state, not the politics that sometimes divide us.

And two years later, I am pleased to report -- the state of our state is strong!

Unemployment is down -- over 25% lower in Montana than it was two years ago, and almost a point and a half below the national average.

We are creating jobs at a pace that is among the fastest in our state's history, with over 12,000 new jobs created last year alone.

That growth is occurring across our economy. Our forest products industry is stronger today than even before the recession, and we have added hundreds of jobs restoring forests and watersheds.

We're taking the technologies being developed at our universities and bringing them to the marketplace -- helping emerging small businesses create new jobs. And our workforce is better prepared for the 21st century jobs being created.

Between near record coal production and new wind development, Montana continues to lead on power -- heck, even more people than ever are asking for solar on their roofs.

We've secured a long-term, job-creating flying mission at Gore Hill for the Montana Air National Guard -- making our state and our nation stronger, more secure.

Speaking of service members, we are leading the nation putting the training and expertise these heroes gained serving our country to work right here in Montana, giving them college credits or industry credentials for their past experience. Whether it's a medic becoming an EMT or a transport driver now looking to operate an earth mover, red tape will not stand between a vet and a good job.

And while we've grown the economy, we've also made government more effective and efficient.

By challenging every expense and modernizing, Montana has become the envy of the other states. We balanced our budget and have hundreds of millions in the bank. But don't just take my word for it, look yourself. I put the state's checkbook online so you can see how your taxpayer dollars are being spent.

We no longer have billions of dollars of unfunded retirements hanging over our economy like a dark cloud. We shored up our pensions without raising taxes or leveraging our future on the backs of public servants -- the first state to do so.

Our tireless dedication to protecting and preserving our economic health and strength is getting noticed. National publications highlighted us as -- quote -- the most fiscally prudent state in the nation.

Through the Main Street Montana Project, I worked with two of our most prominent CEOs to engage thousands of businessmen and women across our state. Together, they helped us write a Main Street Business Plan. I am asking leaders from every business sector to identify

opportunities for growth and where government is standing in the way.

And, as part of that effort, I stand in front of you as a Governor who is currently repealing or streamlining 714 rules and regulations that are unnecessary, unwarranted or that stand in the way of even greater economic growth....and that number will just keep rising!

These efforts matter, for today and tomorrow. Just like investments in our kids.

Our public schools are innovating as we continue to challenge our students and teachers to achieve even greater successes.

Our high school dropout rates are down and our graduation rates are up -- higher than they've ever been before in our state!

Over 2,000 students enrolled in college classes last fall while still in high school -- that's twice as many as since we last met. This not only gives them a jumpstart on their college degree, it's saving Montana students and their families $4 million in tuition and fees this year alone.

On college entrance exams, we're first in reading proficiency and round out the top five in math, science and English.

Our eighth graders are first in the nation in science scores -- and among the highest in reading and math.

Montana companies have partnered with my office to give back to the communities they call home. Since we last gathered, over 41,000 more children in our state start each school day ready to learn, knowing they will have a healthy breakfast at school.

My fellow Montanans, our state is strong and we can grow even stronger!

We can grow even stronger, ensuring that the state our kids inherit is greater than the one we live in today. Here's how:

First, we must maintain our fiscal discipline -- and, quite frankly, our fiscal sanity.

Second, together we must lay the foundation for a better future, by investing in our infrastructure, our workforce, and our youth -- investments that will benefit Montanans for generations -- well beyond the tenure of any governor or legislator. Though, we can't lay the foundation for a better future, if we turn a blind eye to those who need our help most.

Finally, we must take some challenging issues head-on to preserve and add certainty in this place we love.

In recent years, some states have experimented with the idea that a state could grow by decimating revenues and making deep cuts in their schools. It's the idea that the middle class is somehow going to grow by prosperity trickling down from the top.

As we gather this evening, both celebrating our past accomplishments and looking to the future:

> Wisconsin starts its legislative session with a projected $2.2 billion deficit for the next biennium -- that's billion, with a "B."

> Kansas? $650 million upside down, a court order requiring better funding for their schools, and they're considering millions in new taxes.

> And New Jersey has had their credit rating downgraded eight times in the last five years, and has record debt.

These experiments have failed. I'm glad that we've not chosen that path. We've taken a balanced approach. We've protected our fiscal health. We've invested in our priorities. We've maintained cash surpluses. And we've done all of this while also being named one of the most tax-friendly states in the nation -- both for businesses and individuals.

I insist that Montana remain the most fiscally responsible state in the country. We must balance our budget. And we must keep money set aside for those unexpected rainy days.

Now, some people in this room have chided me for insisting on setting a little money aside. At the end of the last legislature some asked what these rainy days were that I was saving for.

Unlike most states, our fiscal health and our balanced budget meant we didn't have cuts in service to taxpayers or layoffs during the federal government's irresponsible shutdown.

The fiscal discipline that I've demanded and Montanans expect, that's what has led to all of these accolades about our budgetary health. But it's not just about federal government shutdowns and awards.

I ask that we leave $300 million in the rainy day fund at the session's end. Since 1990, Montana's ending fund balance has fallen below $300 million 16 times. In nearly half of those years, a special session of the legislature was required. I believe that we -- you and I -- can get our job done while you're here in town for the next several months. We must balance our budget and appropriately plan for the rainy days that we don't foresee. We shouldn't need a special legislative session, costing Montanans over $70,000 each day, to either raise taxes or cut essential services.

Please join me in making responsible fiscal management our top shared priority.

Our fiscal strength has given us the ability to help communities across our state. We regularly meet with local officials to ask how things are and how the policies made in Helena can improve lives for Montanans.

Kevin Dorwart from the city of Glendive threw out an idea in one of those meetings.

The state has a revolving loan program that allows cities and counties to borrow money for

wastewater and drinking water projects. Kevin suggested that the state explore lowering the interest rate it charges for these projects.

I looked at the numbers, and it penciled out. These are changes no one had suggested to me before Kevin brought up the idea, and changes that would not be possible if we didn't have the fiscal security we do.

For taxpayers in Glendive, that's going to mean $6.8 million in savings on the new sewage treatment plant.

In Havre, where they're replacing theirs, $1.9 million in savings.

And in Great Falls, where they're upgrading their water treatment plant, ratepayers will save almost $10 million.

Across our state we're flexing our fiscal muscle. Because of that and Kevin Dorwart's good idea, Montana communities will save $40 million. Kevin would be here tonight, but he's celebrating his daughter's fifteenth birthday -- he deserves our thanks.

Kevin, and people like him, ought to be good reminders for us all. The work we do in this building isn't about who wins or who loses. It's not about elections. It's about real people, impacting lives and serving in a way that betters life for those we were chosen to humbly represent. It's not about politics. It's about people.

Nothing puts politics in the backseat quicker than when a community faces a disaster. As we gather tonight, crews near Glendive are finishing another day cleaning up the Yellowstone River and ensuring residents have clean drinking water. Let's keep them in our thoughts.

Kevin Dorwart's idea is just a starting point for how we can make a difference for folks back home.

In order for businesses, communities and our state to flourish -- while also protecting what's great about this place -- government has to provide good roads, 21st century classrooms, safe bridges, clean drinking water.

Nowhere are the needs more obvious than in the oil and gas impacted communities across Eastern Montana.

The challenges are significant . . . and that's why I am asking the legislature to invest significantly more in Eastern Montana than the rest of the state. However, those communities are not alone in facing challenges. In Western Montana we have failing wastewater systems, and dams that have reached the end of their lives. In Eastern Montana we must invest in regional water systems that deliver good, clean drinking water to more communities. We are not Eastern Montanans and Western Montanans -- we are Montanans and we need to come together.

I ask you to join Representative Jeff Welborn and me in Building Montana; creating 4,000 good-paying construction jobs by investing over $300 million into bridges, water and sewer systems, schools and roads. And let's do it without raising taxes or endangering our solid financial position.

I understand there are some folks in this room who say they're opposed to using Montana's sterling credit rating, even when we are investing in projects that will benefit Montanans for generations. And even though Montana has among the lowest debt per capita of any state; we're 47th out of 50.

I don't understand those who say they want to run government like a business, yet won't consider using commonsense and sound financial tools. Montana's investments have returned eight percent over the last decade. And because we've insisted on disciplined financial management, Montana can issue bonds at historically low rates. By using both cash on hand and bonds to fund these long term investments, we can employ the same sound fiscal management that got us to the position of strength we know today. Bonding plus cash...just makes sense.

All across Montana, local governments, schools and even the state Legislature regularly make long-term infrastructure investments by issuing bonds. Every one of the returning members of the House voted to bond infrastructure projects last session.

Again, we are one state. Any infrastructure plan that is paid for by all Montanans, but only benefits some, will be met with a veto. And I won't consider any plan that prioritizes pet projects of one legislator at the expense of the rest of you. We should build up all of our state, meeting the needs of President Barrett's constituents in Dillon, Speaker Knudsen's in Culbertson and all Montanans in between.

Let's not let politics get in the way of 4,000 good-paying construction jobs, and long-term investments in our communities and state.

And as we undertake these projects all over the state, let's make sure our friends and neighbors are doing the work. When Montana taxpayers are funding construction projects, we should be hiring Montanans to do the job.

We have a law that says that half of the workers on state-funded construction projects should be Montana residents. Two years ago, I asked you to increase that to 75 percent. Unfortunately, that bill never got to my desk.

Every one of our neighboring states has greater preferences for their workers than we do for ours. I refuse to believe their legislatures care more about them than you do about Montanans. So, I'm asking you to join Senator Driscoll and me, and Hire Montanans First. Put more money in the hands of Montana businesses and help create jobs for Montana workers.

Hardly a week goes by where I'm not on the phone with business leaders, encouraging them to expand into Montana. The first question any CEO will ask is not about taxes or regulations --

both places where Montana succeeds. They ask whether we have a pipeline of talented and trained workers they can rely on to help their business grow and prosper.

Given our state's low unemployment rate, now is the time to focus on effective worker training. Partnering with our university system, local officials and 100 businesses, we are investing over $40 million to expand and streamline education and training opportunities in advanced manufacturing, health care, and the energy industry.

We're taking higher-skilled, high-demand fields -- like certified nurse assistants and registered welders -- and using our two-year, four-year and tribal colleges to train workers with those skills. The goal isn't always a college degree, sometimes it is just a stackable credential. But in all cases, the goal is a better job!

In Great Falls, we have welders getting training and credit at the two-year college and also earning a living wage at companies like ADF and Anderson Steel. And soon, we'll have healthcare professionals -- like CNAs and Rad Techs -- doing the same.

By placing workers at businesses that want to help train them, we've built a foundation for a program that we all should want to grow.

But without a qualifying employer -- like ADF or Wheatland Memorial Hospital in Harlowton -- there can be no program. That's why I'm teaming up with Representative Christy Clark to offer our partners in the private sector up to a $4,000 tax credit for every apprentice they hire. We will encourage employers to train more workers on-the-job. And we will ensure Montana continues to have a pipeline of skilled workers, from healthcare to welding, ready to lead our state in today's global economy.

As we match today's workers to today's jobs, small businesses are creating the jobs of the future, right here in Montana.

I ask that you join me in nurturing the cutting edge research that combines Montana innovation with our can-do spirit -- both in traditional industries like agriculture and manufacturing, and in emerging fields like photonics and bioscience. Help build these jobs of tomorrow by investing state dollars in the research being done today, on our campuses and in our businesses.

The goal isn't creating Nobel Prizes -- though we'll take them if they come. The goal is creating jobs, and research is a proven job creator.

As we grow our economy, we cannot forget that it's a vibrant middle class that makes America great.

I think back to my days growing up only blocks from where we gather tonight. In the late '70s, as the head of our single parent household, my Mom had to reenter the workforce. God knows, we had challenges -- and Mom certainly faced obstacles trying to get a job to make ends meet. At the time, a woman in Montana was earning, on average, 56 cents for every dollar men were making.

My mom -- and so many other women in 1978 -- would have been better off making the same as the men they worked alongside of. But equal pay for equal work doesn't just benefit women, it benefits working families. Almost 70 percent of Montana families who have kids at home have both parents in the workforce. It's simple: When working women succeed, working families succeed.

We're doing better than we were in the late '70s, but women in Montana still earn just 74 cents for every dollar a man makes. I tasked Commissioner of Labor Pam Bucy and Director of Administration Sheila Hogan to bring together workers, employers and economists, and tackle this issue head on. Among other things, we are now training women on campuses and at job service centers how to prepare for interviews, negotiate for pay, and sell their strengths to prospective employers.

I'm asking you to join with me and Senators Caferro, Sands, and Representative Eck, and take three additional steps:

First, I ask you to take a significant step to close the wage gap by allowing for wage transparency. Study after study has demonstrated that simply allowing the opportunity to learn what coworkers earn leads to meaningful change in women's wages.

Second, under Montana law, when someone loses their job because they had to flee from domestic violence to protect themselves and their family, they're only eligible for 10 weeks of unemployment insurance -- but any other accepted reason qualifies for up to 28 weeks. I'm counting on you to fix this, because worrying about paying the bills shouldn't keep families from being safe.

Finally, protect longevity so we don't financially punish state employees who leave their jobs to raise children or care for aging family members. When these employees return to state employment, they shouldn't have to start back at zero. All of their years of service should count.

Please take these simple steps to ensure fairness for Montana's working women.

When we make the kind of investments I have been talking about, we benefit Montanans for generations -- long after you I and leave these positions of public trust we are privileged to hold.

Investments in education -- done right -- will provide the same return.

Our oldest, Caroline, is in seventh grade now. Caroline was in the first class of full-day kindergarten here in Helena, approved by this body in 2007. Her teacher was a long time educator named Karl Wolf; he's a bit of a legend around town. Years before Caroline, Karl taught four of my wife's brothers and sisters.

It was Mr. Wolf's last year of teaching, but that's not why he entered that first year of full-day kindergarten so excited. I'll never forget a conversation I had with him: He said, "Steve, there is so much more I can do with these kids now." Though, on a more somber note, he added, "But so many of these kids enter this kindergarten classroom and already barely have a chance."

How can it be that a child is already set to become a success or a statistic by the time he or she is five years old? How can we as a society not be doing everything we can to make sure these kids have every opportunity we can afford to succeed? Sure, we can point fingers at the parents or family or community, but will assigning blame change the trajectory of even one child in Montana?

You can help. We know that children in high-quality early childhood programs are more likely to read at grade level and more likely to earn a high school diploma. They are less likely to repeat a grade or require specialized education; less likely to become teenage parents, require public assistance, abuse drugs or end up in jail. The results are in, researchers and scientists across the country agree. This works.

Not only that, but for every dollar spent on early childhood, communities get at least a $7 return on investment. That's why some of the biggest backers of pre-school programs are business leaders who see the significant economic benefit.

While an investment in our earliest learners makes solid economic sense, this isn't about the $7 return. This is about children and this is about families. This is about Cliff and Gayle, the grandparents I met last year who are -- unexpectedly -- now raising their four-year-old granddaughter, Riley.

Cliff and Gayle sold the farm and retired to Great Falls in 2009, but their retirement and social security checks aren't quite enough to pay for a preschool program for Riley. Being a kiddo who has had a tough first few years, they knew she was going to need some special attention and a high quality program with teachers who could help her grow and be prepared for kindergarten. But it just isn't something they could afford. Then they heard about the Great Falls Public Preschool Program.

District leaders there recognized the value of preschool and patched together the funding to serve 100 four-year-olds who would not otherwise have the opportunity. When I met Cliff and Gayle, they told me how Riley was thriving and how grateful they were to be able to give her the opportunity to succeed when she enters kindergarten next year.

Programs like this and Head Start provide that opportunity for some kids, but long waiting lists ensure that just as many qualifying families are denied as are served. And too many families and children fall in the gap between qualifying for an income-based program and not being able to afford one of our many high-quality private preschool programs.

At no fault of their own, these children are predisposed to miss opportunities in life because we're not giving them a chance.

That's why I'm asking you to join me in giving our earliest learners an Early Edge.

What I'm proposing is pretty simple -- we'll offer state block grants to all communities to create or expand high-quality pre-Kindergarten programs. Locally elected school districts can build a new program, partner with existing providers, or do nothing at all. And, importantly, participation

in these programs will be voluntary -- school boards can decide if it's the right option for their community and parents can decide if it's the right option for their kids.

My friends on the Republican side of the aisle pride themselves on spending taxpayer dollars wisely. That's exactly what I'm insisting upon. Qualified teachers making sure our students are prepared to succeed, a reasonable ratio of students to teachers, and engagement with the families.

Almost every other state has recognized that pre-school works. That's why it's unfortunate that it seems to have become a partisan football here in Montana. In the last school year, states with Republican governors invested 14 million -- on average -- additional dollars for prekindergarten. If Republican governors around the country can understand the importance of high-quality pre-school, I hope Republican legislators in Montana can, too.

Opportunity and achievement gaps exist -- let's close them. Let's not miss this opportunity to give the next generation an Early Edge.

At the other end of the spectrum, American students and working families are being further pinched with rising tuition. But in Montana, we've frozen tuition the past two years at our universities and colleges -- making that degree or certificate much more achievable. There's not a better value and education experience in the country than the Montana University System.

I ask you to again join me in freezing tuition for Montanans. Prevent that tax increase on the 40,000 Montana students and families paying college tuition.

As we create jobs and build educational opportunities, we must not forget to extend opportunities to those who need our help the most.

I've yet to meet a family who doesn't have a friend or loved one struggling with mental illness. My heart breaks every time I hear about another youth suicide or another heroic warrior, home, but scarred, from repeated deployments. Like you, I want to do more every time I meet someone struggling with depression.

I'm asking that this body join me in prioritizing mental health by investing in proven, community-based treatments and services. I believe that we can reduce the growth in demand for state hospital services and ensure that we are ready to welcome these patients -- our friends and our neighbors -- back into our communities.

As we make long overdue investments at the community level, that doesn't mean we can shirk our responsibility to provide acute care. In Warm Springs this evening, 51 souls will sleep in a place built for 32 bunks. All 51 are there by court order. The patients and staff shouldn't have to tolerate this degree of overcrowding, and it shouldn't be tolerated by you, either. We need to invest in the full spectrum of our mental health system.

No one is more vulnerable than a child being abused or neglected. For a state that is doing so well, we have far too many children living in fear, living in the shadows. Foster care is up 60

percent in the last seven years, and the dedicated public servants tasked with checking in on the ever growing reports of abuse can't begin to handle all of the cases they've been assigned.

Since our days in Sunday School, we've known that we'll be judged by how we treat the least amongst us. This is our test. And this is our time.

Two years ago, I asked this body to fund 13 additional positions to better protect these children in harm's way. You denied that request. Last year, I used temporary funds to hire temporary child protection specialists. We need a long term fix. We need a system that keeps kids safer, places them with permanent families sooner and ensures that while they're in the care of the state, their basic needs -- like seeing a doctor -- are met.

Representative Kim Dudik and I are teaming up to do just that -- please join us.

The foundation of greater opportunity will also be weakened if basic healthcare needs are not met. There are some who want to make Medicaid expansion about partisan politics and political ideology. They want to characterize it as a dispute between a Democratic governor and Republican legislative leadership. But the truth is, this isn't about us.

We all have health insurance already.

Medicaid expansion is about 70,000 Montanans who aren't offered and can't afford health care.

This is about the continued viability of our rural hospitals, critical to the physical and economic health of communities all across Montana.

This is about primary care nurses helplessly watching their uninsured patients forgo the additional treatment they need to fight chronic illnesses.

This is about the grandmother I spoke with last week, who asked why this legislature couldn't find a solution for her granddaughter who works hard but can't afford coverage.

This is about the young man displaying the early signs of mental illness who could avoid a full crisis if he got preventative help now.

And this is about all of us lucky enough to have insurance paying a hidden health care tax, when those without coverage end up in ERs, where treatment is most expensive... and that bill's going to you.

The 70,000 Montanans who are hiding in plain view -- they're the working poor. The folks punching the clock, but not making enough to afford insurance. The 70,000 people we're talking about -- that cook our meals, care for our loved ones, work our farms and ranches -- they work hard and want for themselves and their families what you want for yours. The great majority have jobs, yet they still live in poverty.

That's why Representative Noonan and I are proposing a uniquely Montana plan -- based upon

the popular Healthy Montana Kids Plan -- that will extend coverage to the tens of thousands of Montanans who desperately need it. The Healthy Montana Plan will bring our federal dollars back to Montana, to cover those without insurance. We will negotiate with a private carrier to drive down rates and reform the way that Medicaid is delivered in this state.

I understand there's a competing proposal being kicked around by some members of this body. It still relies on federal funds, yet refuses to take our fair share of those dollars. It would tell tens of thousands of Montanans to get a second or third job. It would turn away thousands of veterans and their families and thousands of aging Montanans whose children have already left the home. Bottom line: it would cover fewer people and cost more money.

We can do better.

Don't tell me you don't like government health care -- like me, you're taking advantage of taxpayer-funded health insurance by being a legislator.

You're worried the federal government won't hold up their end? That's fine. I've included a clause in my plan that immediately terminates the program if the feds fall one penny short on their obligation to us.

You don't believe rural hospitals are struggling? Stop by my office tomorrow -- I'll give you the cell phone number of the hospital executive in your district.

Montanans expect us to work together in their interest. This is too important to be about Republicans versus Democrats. That's why 28 states -- red, blue, and purple -- have already expanded. Right now we're turning away hundreds of millions of federal funds -- funds that are going to states like Ohio, North Dakota, and New Jersey.

This isn't for me or you -- we have health care. This is for the people of our state who need it the most. This is our test. And this is the time we get this done.

Health care is an area where we must come together, if we are earnest about moving our state forward. It is not the only area.

Our state gives businesses and entrepreneurs the certainty that leads to investment and economic growth. But a great degree of uncertainty hangs over many agricultural operations in Western Montana -- and in reality -- all across our state.

Over the last decade, the state government and the Confederated Salish and Kootenai Tribes have negotiated a water compact that affirms tribal treaty rights while protecting farmers and ranchers today and for generations, creates new sources of water for irrigators, and ends the uncertainty that decades of litigation would cause.

This is a fair deal and a great bipartisan solution -- supported by Democrats and Republicans, including Attorney General Fox. I urge you to pass it.

And speaking of coming together, in the last two years, interests as diverse as our landscape have come together to protect the Greater Sage Grouse and ensure we're doing everything we can to keep management of the bird in state hands. From the oil and coal industries to conservationists and state legislators -- these citizens have set aside their differences and worked together for the future of our state. I thank them. Please support their work by passing their budget request for this initiative, to protect the bird and our way of life.

Growing up, I chased my brother up and down the hills and mountains around here. He taught me how to catch a fish and how to start a fire. We didn't have a ton of money, but that didn't matter when it came to fishing, hiking and camping. Access to wild, quiet places is a birthright for Montanans and I will continue to fight to preserve public access to our lands, rivers and streams. And public lands will not be sold off to the highest bidder -- not on my watch!

Now, at first glance, Senator Duane Ankney and I may not seem to have a lot in common. By trade, I'm a lawyer, he's a coal miner. He's a Republican, I'm a Democrat. He's got a great mustache...and let's face it, I couldn't grow one like that if I wanted to.

But Duane and I are students of Montana history. We know of the "Copper Collar," where the influence of a few wealthy barons made themselves millions at the expense of the vast majority of working Montanans. They not only controlled our towns, they also controlled our elections.

It took brave citizens -- some of whom preceded us in this hallowed chamber -- who, in the face of unlimited money and power, joined together to take back a government that no longer represented them.

For a century, our elections -- and the elected officials that prevailed in those contests -- were responsive not to some anonymous corporation and their millions, but rather their neighbors who elected them. Our campaigns were something we could be proud of and our democracy worked.

In recent years, on the heels of anti-democracy decisions by the U.S. Supreme Court, unlimited, secret money has flooded our elections, eroding our representative government and raising questions about the integrity of some elected officials.

Let me be clear: dark money corrupts our system and it is up to us to fix it.

It's simple: Every penny spent in our elections should be disclosed and Duane and I are proposing we do just that. We should have elections, not auctions. We should have public servants -- not elected officials beholden to some special interest and their secret money.

Our forefathers had the courage to stand up to corruption -- we should, too. I hope you'll support The Montana Disclose Act and three other measures I am offering to add sunshine to our elections.

My fellow Montanans, our state is strong. But I see us getting stronger.

I see a Montana that remains fiscally responsible, with a balanced budget and some money socked away for a rainy day.

I see a Montana where leaders of this State focus less on winning and losing, less on partisanship and political games, and more on the people we serve and the generation that will follow us.

I see a Montana where our cultural compass continues to be guided by the first Montanans -- where we embrace this culture, and also work together to create new economic opportunities in Indian country.

I see a Montana where we continue to invest in our students and where a world class education is synonymous with Montana's public schools.

I see a Montana with a robust middle class, with even better paying jobs and greater opportunities -- not a place where workers idly hope that prosperity will trickle down from Wall Street.

I see a Montana where as we climb higher, we never fail to offer a hand up to those who struggle. A Montana where we always remember that we have a right to quality, affordable health care and access to our public lands, rivers and streams -- regardless of the size of our bank accounts.

I see a Montana -- shaped by our values -- that daily reminds us why we choose to call her home. A Montana that we'll be proud to pass on to our kids and grandkids. A Montana they'll be proud to inherit.

May God bless Montana and God bless America.

Good night."

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The committee of four escorted Governor Bullock from the chamber.

Majority Leader Rosendale moved the joint session be adjourned. Motion carried.

The joint session adjourned at 8:05 p.m. The Senate will reconvene at 1:00 p.m. Thursday, January 29, 2015, the twentieth legislative day.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TWENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 29, 2015 — State Capitol

Senate convened at 1:05 p.m. President Barrett presiding. Invocation by Senator Facey. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Caferro and Larsen excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/29/2015
Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the sixth through the tenth legislative days, find the same to be correct.

Correctly printed: **SB 49**, **SB 56**, **SB 84**, **SB 85**, **SB 92**, **SB 135**, **SB 152**, **SB 154**, **SB 164**, **SB 184**, **SB 222**, **SB 223**, **SB 224**, **SB 225**, **SB 226**, **SB 227**, **SB 228**, **SB 229**, **SB 230**, **SB 231**, **SB 232**, **SB 233**, **SB 234**, **SB 235**, **SJ 5**, **SJ 10**, **HB 82**.
Correctly engrossed: **SB 39**.
Transmitted to the House: **SB 61**, **SB 90**, **SB 139**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 1/28/2015
SB 141, do pass. Report adopted.

JUDICIARY (Sales, Chair): 1/29/2015
SB 143, do pass. Report adopted.
HB 32, be concurred in. Report adopted.

LOCAL GOVERNMENT (Taylor, Chair): 1/28/2015
HB 65, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 1/28/2015
SB 42, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND" on line 6 through "CONTRIBUTIONS" on line 6

2. Title, page 1, line 8.
Following: "SECTIONS"
Insert: "19-2-303, 19-2-407,"
Strike: "19-3-2121,"

3. Title, page 1, line 8.

Following: "MCA;"
Insert: "REPEALING SECTION 19-3-2121, MCA;"

4. Page 1.
Following: line 11
Strike: everything after the enacting clause
Insert: "Section 1. Section 19-2-303, MCA, is amended to read:

"19-2-303. Definitions. Unless the context requires otherwise, for each of the retirement systems subject to this chapter, the following definitions apply:

(1) "Accumulated contributions" means the sum of all the regular and any additional contributions made by a member in a defined benefit plan, together with the regular interest on the contributions.

(2) "Active member" means a member who is a paid employee of an employer, is making the required contributions, and is properly reported to the board for the most current reporting period.

(3) "Actuarial cost" means the amount determined by the board in a uniform and nondiscriminatory manner to represent the present value of the benefits to be derived from the additional service to be credited based on the most recent actuarial valuation for the system and the age, years until retirement, and current salary of the member.

(4) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the mortality table and interest rate assumptions adopted by the board.

(5) "Actuarial liabilities" means the excess of the present value of all benefits payable under a defined benefit retirement plan over the present value of future normal costs in that retirement plan.

(6) "Actuary" means the actuary retained by the board in accordance with 19-2-405.

(7) "Additional contributions" means contributions made by a member of a defined benefit plan to purchase various types of optional service credit as allowed by the applicable retirement plan.

(8) "Annuity" means:

(a) in the case of a defined benefit plan, equal and fixed payments for life that are the actuarial equivalent of a lump-sum payment under a retirement plan and as such are not benefits paid by a retirement plan and are not subject to periodic or one-time increases; or

(b) in the case of the defined contribution plan, a payment of a fixed sum of money at regular intervals.

(9) "Banked holiday time" means the hours reported for work performed on a holiday that the employee may use for equivalent time off or that may be paid to the employee as specified by the employer's policy.

(10) "Benefit" means:

(a) the service retirement benefit, early retirement benefit, or disability retirement or survivorship benefit payment provided by a defined benefit retirement plan; or

(b) a payment or distribution under the defined contribution retirement plan, including a disability payment under 19-3-2141, for the exclusive benefit of a plan member or the member's beneficiary or an annuity purchased under 19-3-2124.

(11) "Board" means the public employees' retirement board provided for in 2-15-1009.

(12) "Contingent annuitant" means:

(a) under option 2 or 3 provided for in 19-3-1501, one natural person designated to receive a continuing monthly benefit after the death of a retired member; or

(b) under option 4 provided for in 19-3-1501, a natural person, charitable organization, estate, or trust that may receive a continuing monthly benefit after the death of a retired member.

(13) "Covered employment" means employment in a covered position.

(14) "Covered position" means a position in which the employee must be a member of the retirement system except as otherwise provided by law.

(15) "Defined benefit retirement plan" or "defined benefit plan" means a plan within the retirement systems provided for pursuant to 19-2-302 that is not the defined contribution retirement plan.

(16) "Defined contribution retirement plan" or "defined contribution plan" means the plan within the public employees' retirement system established in 19-3-103 that is provided for in chapter 3, part 21, of this title and that is not a defined benefit plan.

(17) "Department" means the department of administration.

(18) "Designated beneficiary" means the person, charitable organization, estate, or trust for the benefit of a natural person designated by a member or payment recipient to receive any survivorship benefits, lump-sum payments, or benefit from a retirement account upon the death of the member or payment recipient, including annuities derived from the benefits or payments.

(19) "Direct rollover" means a payment by the retirement plan to the eligible retirement plan specified by the distributee or a payment from an eligible retirement plan to the retirement plan specified by the distributee.

(20) "Disability" or "disabled" means a total inability of the member to perform the member's duties by reason of physical or mental incapacity. The disability must be incurred while the member is an active member and must be one of permanent duration or of extended and uncertain duration, as determined by the board on the basis of competent medical opinion.

(21) "Distributee" means:

(a) a member;

(b) a member's surviving spouse;

(c) a member's spouse or former spouse who is the alternate payee under a family law order as defined in 19-2-907; or

(d) effective January 1, 2007, a member's nonspouse beneficiary who is a designated beneficiary as defined by section 401(a)(9)(E) of the Internal Revenue Code, 26 U.S.C. 401(a)(9)(E).

(22) "Early retirement benefit" means the retirement benefit payable to a member following early retirement and is the actuarial equivalent of the accrued portion of the member's service retirement benefit.

(23) "Eligible retirement plan" means any of the following that accepts the distributee's eligible rollover distribution:

(a) an individual retirement account described in section 408(a) of the Internal Revenue Code, 26 U.S.C. 408(a);

(b) an individual retirement annuity described in section 408(b) of the Internal Revenue Code, 26 U.S.C. 408(b);

(c) an annuity plan described in section 403(a) of the Internal Revenue Code, 26 U.S.C. 403(a);

(d) a qualified trust described in section 401(a) of the Internal Revenue Code, 26 U.S.C. 401(a);

(e) effective January 1, 2002, an annuity contract described in section 403(b) of the Internal Revenue Code, 26 U.S.C. 403(b);

(f) effective January 1, 2002, a plan eligible under section 457(b) of the Internal Revenue Code, 26 U.S.C. 457(b), that is maintained by a state, a political subdivision of a state, or any agency or instrumentality of a state or a political subdivision of a state that agrees to separately account for amounts transferred into that plan from a plan under this title; or

(g) effective January 1, 2008, a Roth IRA described in section 408A of the Internal Revenue Code, 26 U.S.C. 408A.

(24) "Eligible rollover distribution":

(a) means any distribution of all or any portion of the balance from a retirement plan to the credit of the distributee, as provided in 19-2-1011;

(b) effective January 1, 2002, includes a distribution to a surviving spouse or to a spouse or former spouse who is an alternate payee under a domestic relations order, as defined in section 414(p) of the Internal Revenue Code, 26 U.S.C. 414(p).

(25) "Employee" means a person who is employed by an employer in any capacity and whose salary is being paid by the employer or a person for whom an interlocal governmental entity is responsible for paying retirement contributions pursuant to 7-11-105.

(26) "Employer" means a governmental agency participating in a retirement system enumerated in 19-2-302 on behalf of its eligible employees. The term includes an interlocal governmental entity identified as responsible for paying retirement contributions pursuant to 7-11-105.

(27) "Essential elements of the position" means fundamental job duties. An element may be considered essential because of but not limited to the following factors:

(a) the position exists to perform the element;

(b) there are a limited number of employees to perform the element; or

(c) the element is highly specialized.

(28) "Excess earnings" means the difference, if any, between reported compensation and the limits provided in 19-2-1005(2) used to calculate a member's highest average compensation or final average compensation.

(29) "Fiscal year" means a plan year, which is any year commencing with July 1 and ending the following June 30.

(30) "Inactive member" means a member who terminates service and does not retire or take a refund of the member's accumulated contributions.

(31) "Internal Revenue Code" has the meaning provided in 15-30-2101.

(32) "Member" means either:

(a) a person with accumulated contributions and service credited with a defined benefit retirement plan or receiving a retirement benefit on account of the person's previous service credited in a retirement system; or

(b) a person with a retirement account in the defined contribution plan.

(33) "Membership service" means the periods of service that are used to determine eligibility for retirement or other benefits.

(34) (a) "Normal cost" or "future normal cost" means an amount calculated under an actuarial cost method required to fund accruing benefits for members of a defined benefit retirement plan during any year in the future.

(b) Normal cost does not include any portion of the supplemental costs of a retirement plan.

(35) "Normal retirement age" means the age at which a member is eligible to immediately

receive a retirement benefit based on the member's age or both age and length of service, as specified under the member's retirement system, without disability and without an actuarial or similar reduction in the benefit.

(36) "Pension" means benefit payments for life derived from contributions to a retirement plan made from state- or employer-controlled funds.

(37) "Pension trust fund" means a fund established to hold the contributions, income, and assets of a retirement system or plan in public trust.

(38) "Plan choice rate" means the amount of the employer contribution as a percentage of payroll covered by the defined contribution plan members that is allocated to the public employees' retirement system's defined benefit plan pursuant to 19-3-2117 ~~and that is adjusted by the board pursuant to 19-3-2121~~ to actuarially fund the unfunded liabilities and the normal cost rate changes in a defined benefit plan resulting from member selection of the defined contribution plan.

(39) "Regular contributions" means contributions required from members under a retirement plan.

(40) "Regular interest" means interest at rates set from time to time by the board.

(41) "Retirement" or "retired" means the status of a member who has:

(a) terminated from service; and

(b) received and accepted a retirement benefit from a retirement plan.

(42) "Retirement account" means an individual account within the defined contribution retirement plan for the deposit of employer and member contributions and other assets for the exclusive benefit of a member of the defined contribution plan or the member's beneficiary.

(43) "Retirement benefit" means:

(a) in the case of a defined benefit plan, the periodic benefit payable as a result of service retirement, early retirement, or disability retirement under a defined benefit plan of a retirement system. With respect to a defined benefit plan, the term does not mean an annuity.

(b) in the case of the defined contribution plan, a benefit as defined in subsection (10)(b).

(44) "Retirement plan" or "plan" means either a defined benefit plan or a defined contribution plan under one of the public employee retirement systems enumerated in 19-2-302.

(45) "Retirement system" or "system" means one of the public employee retirement systems enumerated in 19-2-302.

(46) "Service" means employment of an employee in a position covered by a retirement system.

(47) "Service credit" means the periods of time for which the required contributions have been made to a retirement plan and that are used to calculate retirement benefits or survivorship benefits under a defined benefit retirement plan.

(48) "Service retirement benefit" means the retirement benefit that the member may receive at normal retirement age.

(49) "Statutory beneficiary" means the surviving spouse or dependent child or children of a member of the highway patrol officers', municipal police officers', or firefighters' unified retirement system who are statutorily designated to receive benefits upon the death of the member.

(50) "Supplemental cost" means an element of the total actuarial cost of a defined benefit retirement plan arising from benefits payable for service performed prior to the inception of the retirement plan or prior to the date of contribution rate increases, changes in actuarial assumptions, actuarial losses, or failure to fund or otherwise recognize normal cost accruals or interest on supplemental costs. These costs are included in the unfunded actuarial liabilities of the retirement plan.

(51) "Survivorship benefit" means payments for life to the statutory or designated beneficiary of a deceased member who died while in service under a defined benefit retirement plan.

(52) "Termination of employment", "termination from employment", "terminated employment", "terminated from employment", "terminate employment", or "terminates employment" means that:

(a) there has been a complete severance of a covered employment relationship by the positive act of either the employee, the employer, or both; and

(b) the member is no longer receiving compensation for covered employment, other than any outstanding lump-sum payment for compensatory leave, sick leave, or annual leave.

(53) "Termination of service", "termination from service", "terminated from service", "terminated service", "terminating service", or "terminates service" means that:

(a) there has been a complete severance of a covered employment relationship by the positive act of either the employee, the employer, or both for at least 30 days;

(b) no written or verbal agreement exists between employee and employer that the employee will return to covered employment in the future;

(c) the member is no longer receiving compensation for covered employment; and

(d) the member has been paid all compensation for compensatory leave, sick leave, or annual leave to which the member was entitled. For the purposes of this subsection (53), compensation does not mean compensation as a result of a legal action, court order, or settlement to which the board was not a party.

(54) "Unfunded actuarial liabilities" or "unfunded liabilities" means the excess of a defined benefit retirement plan's actuarial liabilities at any given point in time over the value of its cash and investments on that same date.

(55) "Vested account" means an individual account within a defined contribution plan that is for the exclusive benefit of a member or the member's beneficiary. A vested account includes all contributions and the income on all contributions in each of the following accounts:

(a) the member's contribution account;

(b) the vested portion of the employer's contribution account; and

(c) the member's account for other contributions.

(56) "Vested member" or "vested" means:

(a) with respect to a defined benefit plan, except as provided in subsection (56)(b), a member or the status of a member who has at least 5 years of membership service;

(b) with respect to a member of the highway patrol officers' retirement system established in Title 19, chapter 6, who was hired on or after July 1, 2013, a member or the status of a member who has at least 10 years of membership service; or

(c) with respect to the defined contribution plan, a member or the status of a member who meets the minimum membership service requirement of 19-3-2116.

(57) "Written application" or "written election" means a written instrument, prescribed by the board or required by law, properly signed and filed with the board, that contains all required information, including documentation that the board considers necessary.

(58) "Written instrument" includes an electronic record containing an electronic signature, as defined in 30-18-102.""

Insert: "Section 2. Section 19-2-407, MCA, is amended to read:

"19-2-407. Reports. (1) As soon as practical after the close of each fiscal year, the board

shall file with the governor and with the legislature pursuant to 5-11-210 a report of its work for that fiscal year. The report must include but is not limited to:

(a) a statement as to the accumulated cash and securities in the pension trust funds as certified by the state treasurer and the board of investments;

(b) a summary of the most recent information available from the actuary concerning the actuarial valuation of the assets and liabilities of each system or plan; and

(c) an analysis of how market performance is affecting actuarial funding of each of the retirement systems or plans.

(2) The report required under subsection (1) must also provide information concerning the defined contribution plan, including a description of the plan, the number of members in the plan, plan contribution rates, the total amount of money invested by members, investment performance, administrative costs and fees, ~~determinations on the plan choice rate made pursuant to 19-3-2121,~~ and other information required under applicable governmental accounting standards and as determined by the board.""

Insert: "Section 3. Section 19-3-2117, MCA, is amended to read:

"19-3-2117. Allocation of contributions and forfeitures. (1) The member contributions made under 19-3-315 and additional contributions paid by the member for the purchase of service must be allocated to the plan member's retirement account.

(2) Subject to ~~subsection (3) and adjustment by the board as provided in 19-3-2121~~ subsections (3) and (4), of the employer contributions under 19-3-316 received:

(a) an amount equal to:

(i) 4.19% of compensation must be allocated to the member's retirement account;

(ii) 2.37% of compensation must be allocated to the defined benefit plan as the plan choice rate;

(iii) 0.04% of compensation must be allocated to the education fund as provided in 19-3-112(1)(b); and

(iv) 0.3% of compensation must be allocated to the long-term disability plan trust fund established pursuant to 19-3-2141;

(b) on July 1, 2009, continuing until the additional employer contributions terminate pursuant to 19-3-316(4)(b), the percentage specified in subsection (3) of this section of compensation must be allocated ~~in the following order:~~

~~(i)~~ to the defined benefit plan to eliminate the plan choice rate unfunded actuarial liability; ~~and~~

~~(ii) to the long-term disability plan trust fund to provide disability benefits to eligible members; and~~

(c) on July 1, 2013, continuing until ~~the additional employer contributions terminate pursuant to 19-3-316(4)(b)~~ June 30, 2015, 1% of compensation must be allocated to the defined benefit plan unfunded liabilities; and

(d) on July 1, 2015, 1% of compensation must be allocated to the defined benefit plan as part of the plan choice rate until the plan choice rate unfunded actuarial liability is fully paid. Effective the first full pay period in the month following the board's verification that the plan choice rate unfunded actuarial liability is paid off, the 1% must be allocated to the member's retirement account until the additional contributions terminate pursuant to 19-3-316(4)(b).

(3) The percentage of compensation to be contributed under subsection (2)(b) is 0.27% for fiscal year 2014 and increases by 0.1% each fiscal year through fiscal year 2024. For fiscal

years beginning after June 30, 2024, the percentage of compensation to be contributed under subsection (2)(b) is 1.27%.

(4) Effective the first full pay period in the month following the board's verification that the plan choice rate unfunded actuarial liability is paid off, the 2.37% of compensation in subsection (2)(a)(ii) and the percentage of compensation in subsection (3), if any, must be allocated to the member's retirement account.

~~(4)~~(5) Forfeitures of employer contributions and investment income on the employer contributions may not be used to increase a member's retirement account. The board shall allocate the forfeitures under 19-3-2116 to meet the plan's administrative expenses, including startup expenses.""

Insert: "Section 4. Section 19-21-214, MCA, is amended to read:

"19-21-214. Contributions and allocations for employees in positions covered under ~~the~~ public employees' retirement system. (1) The contribution rates for employees in positions covered under the public employees' retirement system who elect to become program members pursuant to 19-3-2112 are as follows:

(a) the member's contribution rate must be the rate provided in 19-3-315; and

(b) the employer's contribution rate must be the rate provided in 19-3-316.

(2) Subject to subsection (4), of the employer's contribution:

(a) an amount equal to:

(i) 4.49% of compensation must be allocated to the participant's program account;

(ii) 2.37% of compensation must be allocated to the defined benefit plan under the public employees' retirement system as the plan choice rate; and

(iii) 0.04% of compensation must be allocated to the education fund pursuant to 19-3-112(1)(b); and

(b) on July 1, 2009, continuing until the additional employer contributions terminate pursuant to 19-3-316(4)(b), 0.27% of compensation must be allocated to the defined benefit plan to eliminate the plan choice rate unfunded actuarial liability.

(3) The percentage compensation to be allocated under subsection (2)(b) must be increased by 0.1% each fiscal year through fiscal year 2024. For fiscal years beginning after June 30, 2024, the percentage of compensation to be allocated under subsection (2)(b) must be 1.27%.

~~(3)~~(4) ~~The allocations under subsection (2) are subject to adjustment by the public employees' retirement board, but only as described in and in a manner consistent with the express provisions of 19-3-2121~~ Effective the first full pay period in the month following the board's verification that the plan choice rate unfunded actuarial liability is paid off, the 2.37% of compensation in subsection (2)(a)(ii) and the percentage of compensation in subsection (2)(b), if any, must be allocated to the member's retirement account.""

Insert: "NEW SECTION. **Section 5. Repealer.** The following section of the Montana Code Annotated is repealed:

19-3-2121. Determination and adjustment of plan choice rate and contribution allocations."

Insert: "NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2015."

Insert: "NEW SECTION. **Section 7. Retroactive applicability.** [Section 4(3)] applies retroactively, within the meaning of 1-2-109, to contributions under 19-21-214(2)(b) on and after July 1, 2013."

And, as amended, do pass. Report adopted.

SB 64, do pass. Report adopted.
SB 74, do pass. Report adopted.
SB 89, do pass. Report adopted.
SB 144, do pass. Report adopted.
SB 151, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/28/2015

HB 19, introduced by E. Hill
HB 44, introduced by T. Berry
HB 94, introduced by K. Flynn
HB 128, introduced by E. Hill
HB 161, introduced by V. Ricci
HB 195, introduced by N. McConnell

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 236, introduced by R. Webb, referred to Energy and Telecommunications.
SB 237, introduced by M. Blasdel, referred to Local Government.
SB 238, introduced by M. Blasdel, J. Cohenour, R. Driscoll, F. Garner, P. Noonan, R. Ripley, C. Schreiner, J. Sesso, R. Webb, referred to State Administration.
SB 239, introduced by D. Kary, referred to Local Government.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 5, introduced by C. Vincent, referred to Natural Resources.
SR 6, introduced by F. Thomas, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 19, introduced by E. Hill (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 44, introduced by T. Berry (by request of the Board of Public Accountants), referred to Business, Labor, and Economic Affairs.
HB 128, introduced by E. Hill (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 161, introduced by V. Ricci, referred to Judiciary.
HB 195, introduced by N. McConnell, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 37 - Senator Fielder moved consideration of **SB 37** be passed for the day. Without objection, so ordered.

SB 105 - Senator Arntzen moved **SB 105** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: D. Brown, Fielder, Ripley, Sales, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 131 - Senator Kary moved **SB 131** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 72 - Senator T. Brown moved **SB 72** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: D. Brown, Facey, Malek.
Total 3

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 94 - Senator Buttrey moved **SB 94** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 124 - Senator D. Brown moved **SB 124** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt,

Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 49 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 56 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SJ 5 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Driscoll.
Total 1

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Friday, January 30, 2015, the twenty-first legislative day. Motion carried.

Senate adjourned at 1:37 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 30, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Caferro and Driscoll excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/30/2015
Correctly printed: **SB 64**, **SB 72**, **SB 74**, **SB 89**, **SB 94**, **SB 105**, **SB 124**, **SB 131**, **SB 141**, **SB 144**, **SB 151**, **SB 236**, **SB 237**, **SB 238**, **SB 239**, **SR 5**, **SR 6**, **HB 32**, **HB 65**.
Correctly engrossed: **SB 42**, **SB 143**.
Transmitted to the House: **SB 49**, **SB 56**, **SJ 5**.

MOTIONS

Majority Leader Rosendale moved the Senate recess and proceed to the House of Representatives to receive an address from the Honorable Ryan Zinke, Congressman from the State of Montana, and reconvene upon adjournment of the joint session. Motion carried.

SPECIAL ORDERS OF THE DAY

The Senate was introduced in the House Chambers; President Barrett assumed the chair.

Majority Leader Rosendale moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving an address from the Honorable Ryan Zinke, Congressman from the State of Montana. Motion carried.

Majority Leader Rosendale moved the President be authorized to appoint a committee of four to notify Congressman Zinke that the Senate and House of Representatives are in joint session and ready to receive the address. Without objection, the President appointed Senators Buttrey and Stewart-Peregoy and Representatives Olzewski and Smith and charged the committee to escort Congressman Zinke into the chambers.

President Barrett introduced Congressman Ryan Zinke. The Congressman addressed the joint session and President Barrett thanked him for his remarks. Following the speech, President Barrett requested the committee of four to escort Congressman Zinke from the chamber.

Majority Leader Rosendale moved the joint session be adjourned. Motion carried. The joint session adjourned at 1:33 p.m.

The Senate reconvened at:1:35 p.m.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 1/29/2015
SB 183, do pass. Report adopted.
HB 108, be concurred in. Report adopted.
HB 109, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/30/2015
SB 41, do pass. Report adopted.
SB 53, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "having, or"
Strike: "promptly"
Following: "achieving"
Insert: "within 6 months"

2. Page 1, line 27.
Following: "shares"
Strike: ", share certificates and share draft accounts"

3. Page 2, line 7.
Following: "employment of"
Strike: "persons necessary to conduct the business of the credit union"

4. Page 2, line 8.
Following: "manager"
Strike: "and the treasurer"

5. Page 2, line 23.
Following: "reasonable"
Strike: ", under the provisions of 35-2-520, as applied to a nonprofit credit union corporation"

6. Page 3, line 7.
Following: "adopt"
Strike: "detailed"

And, as amended, do pass. Report adopted.

SB 81, do pass. Report adopted.
SB 119, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "vice president,"
Insert: "authorized agent,"

2. Page 1, line 19.
Following: "vice president,"
Insert: "authorized agent,"

And, as amended, do pass. Report adopted.

SB 163, do pass. Report adopted
HB 63, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 1/29/2015
SB 150, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 1/29/2015
SB 140, do pass. Report adopted.
HB 121, be concurred in. Report adopted.
HB 125, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 1/29/2015
SB 110, introduced bill, be amended as follows:

1. Page 17, line 11.
Following: "registers"
Insert: "for temporary use in this state"
Following: "quadricycle"
Strike: "for temporary use in this state"
Insert: "or motorcycle designed for off-road recreational use"

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 1/30/2015
SB 54, introduced bill, be amended as follows:

1. Title, page 1, line 5 through 7.
Strike: "MAKING CERTAIN" on line 5 through "REALTY TRANSFER ACT" on line 7
Insert: "PROVIDING TAXPAYERS WITH ADDITIONAL ACCESS TO CONFIDENTIAL SALES PRICE INFORMATION"

2. Title, page 1, line 8.
Strike: "REPEALING SECTION 15-7-310, MCA;"

3. Page 3, line 2.

Strike: line 2
Renumber: subsequent subsections

4. Page 3, line 6.
Following: line 5
Insert: "(c) At the request of the objector, and only if the objector signs a written or electronic confidentiality agreement, the department shall provide in written or electronic form:
(i) comparable sales data used by the department to value the property; and
(ii) sales data used by the department to value residential property in the property taxpayer's market model area."
Renumber: subsequent subsections

5. Page 4, line 11.
Strike: "The"
Insert: "(1) Except as provided in subsection (2), the"

6. Page 4, line 11.
Following: "~~contained in the certificate~~"
Insert: "and the information contained in the certificate"

7. Page 4, line 12.
Following: "~~and the department~~"
Insert: "and must be held confidential by the county clerk and recorder and the department"

8. Page 4, line 15.
Following: "~~upon the compilations.~~"
Insert: "This is because the legislature finds that the demands of individual privacy outweigh the merits of public disclosure. The confidentiality provisions do not apply to compilations from the certificates, to summaries, analyses, and evaluations based upon the compilations, or to sales used by the department to value residential property in a property taxpayer's market model area after the property taxpayer signs a written or electronic confidentiality agreement."

9. Page 4, line 23.
Following: "~~requirements of 85-2-112(3).~~"
Insert: "(2) The confidentiality provisions of this section do not apply to the information contained in the water right ownership update form or any other form prepared and filed with the department of natural resources and conservation pursuant to 85-2-424 for purposes of maintaining a system of centralized water right records as mandated by Article IX, section 3(4), of the Montana constitution. A person may access water right transfer information through the department of natural resources and conservation pursuant to the department's implementation of the requirements of 85-2-112(3). "

10. Page 4, line 25 through 27.
Strike: section 3 in its entirety

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/29/2015

HB 37, introduced by M. Monforton
HB 56, introduced by K. White
HB 67, introduced by B. Smith
HB 88, introduced by S. Laszloffy
HB 117, introduced by R. Lynch

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 240, introduced by E. Buttrey, referred to Education and Cultural Resources.
SB 241, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.
SB 242, introduced by R. Webb, referred to Judiciary.
SB 243, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.
SB 244, introduced by D. Brown, M. Blasdel, J. Brenden, M. Cuffe, F. Garner, L. Jones, D. Kary, D. Lamm, S. Lavin, E. Lieser, D. Moore, M. Noland, A. Olszewski, K. Regier, R. Ripley, N. Schwaderer, C. Smith, G. Vance, R. Webb, J. Windy Boy, referred to Business, Labor, and Economic Affairs.
SB 245, introduced by D. Kary, D. Ankney, M. Blasdel, J. Brenden, B. Brown, K. Flynn, F. Garner, B. Hamlett, B. Harris, S. Hess, D. Howard, J. Keane, B. Keenan, S. Laszloffy, S. Lavin, F. Mandeville, K. McCarthy, G. Meyers, M. Noland, A. Olszewski, Z. Perry, K. Regier, R. Ripley, N. Schwaderer, C. Smith, J. Taylor, F. Thomas, G. Vance, R. Webb, J. Welborn, J. Windy Boy, D. Zolnikov, referred to Fish and Game.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 7, introduced by J. Brenden, referred to Fish and Game.
SR 8, introduced by J. Brenden, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 37, introduced by M. Monforton, Swandal, referred to Judiciary.
HB 56, introduced by K. White (by request of the Department of Revenue), referred to Taxation.
HB 67, introduced by B. Smith (by request of the Department of Revenue), referred to Taxation.
HB 88, introduced by S. Laszloffy (by request of the Department of Justice), referred to Judiciary.

HB 94, introduced by K. Flynn (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 117, introduced by R. Lynch (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 92 - Senator Thomas moved consideration of **SB 92** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 37 - Senator Fielder moved **SB 37** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 152 - Senator C. Smith moved **SB 152** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 164 - Senator Hoven moved **SB 164** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 52 - Senator Cohenour moved **SB 52** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: D. Brown, Fielder, Keenan, Moore, Rosendale, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 92 - Senator Thomas moved **SB 92** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 72 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moe, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 39

Nays: D. Brown, Facey, Kaufmann, Malek, McNally, Phillips, Pomnichowski, Sands, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 94 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 105 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: D. Brown, Fielder, Keenan, Rosendale, Sales, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 124 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 131 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

MOTIONS

Senator Jones moved **SB 37** and **SB 92** be re-referred to the Finance and Claims committee. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:30 a.m., Saturday, January 31, 2015, the twenty-second legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 31, 2015 — State Capitol

Senate convened at 8:30 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Caferro and Driscoll excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/31/2015
Correctly printed: **SB 41**, **SB 52**, **SB 81**, **SB 140**, **SB 150**, **SB 152**, **SB 163**, **SB 164**, **SB 183**, **SB 240**, **SB 241**, **SB 242**, **SB 243**, **SB 244**, **SB 245**, **SR 7**, **SR 8**, **HB 63**, **HB 108**, **HB 109**, **HB 121**, **HB 125**.
Correctly engrossed: **SB 53**, **SB 54**, **SB 110**, **SB 119**.
Transmitted to the House: **SB 72**, **SB 94**, **SB 105**, **SB 124**, **SB 131**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 1/30/2015
SB 128, do pass. Report adopted.
HB 31, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/30/2015

HB 12, introduced by E. Hill
HB 27, introduced by D. Hayman
HB 107, introduced by R. Cook
HB 132, introduced by F. Garner
HB 150, introduced by K. Flynn

MOTIONS

Majority Leader Rosendale moved **HB 61** be re-referred from the Natural Resources committee to the Highways and Transportation committee. Without objection, so ordered.

Majority Leader Rosendale moved **HB 90** be re-referred from the Natural Resources committee to the Business, Labor and Economic Affairs committee. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 39 - Senator C. Smith moved **SB 39** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 84 - Senator McNally moved **SB 84** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 85 - Senator Buttrey moved **SB 85** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 135 - Senator Facey moved **SB 135** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 141 - Senator L. Jones moved **SB 141** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 154 - Senator Sales moved **SB 154** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 30

Nays: Barrett Dick, T. Brown, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 19

Paired: Smith, Aye; Driscoll, No.

Absent or not voting: None.
Total 0

Excused: Caferro.
Total 1

SB 184 - Senator Cohenour moved **SB 184** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 46

Nays: Ripley, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.

Total 2

SB 125 - Senator Webb moved **SB 125** do pass. Motion **failed** as follows:

Yeas: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hoven, Kaufmann, Keenan, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Thomas, Vuckovich, Webb, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hinkle, Howard, Jones, Kary, Keane, McNally, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Whitford, Ms. President.
Total 28

Paired: Driscoll, Aye; Rosendale, No.

Absent or not voting: None.
Total 0

Excused: Caferro.
Total 1

SB 125 - Majority Leader Rosendale moved **SB 125** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keane, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Ms. President.
Total 27

Nays: Barrett Dick, Cohenour, Connell, Facey, Hamlett, Hoven, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 142 - Senator C. Smith moved **SB 142** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann,

Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 43 - Senator Malek moved **SB 43** do pass. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 28

Paired: Caferro, Driscoll, Aye; Buttrey, Sales, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 43 - Majority Leader Rosendale moved **SB 43** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Cohenour, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 19

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SJ 6 - Senator Larsen moved **SJ 6** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 42 - Senator Malek moved **SB 42** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 64 - Senator Keane moved **SB 64** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Cohenour, Kaufmann, Larsen, Malek, Phillips, Sesso, Whitford.
Total 7

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 52 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane,

Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Fielder, Moore, Rosendale, Sales.
Total 4

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 152 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

SB 164 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.
Total 2

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Monday, February 2, 2015, the twenty-third legislative day. Motion carried.

Senate adjourned at 9:45 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 2, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present. Caferro, Driscoll, Taylor excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 2/2/2015
Correctly printed: **SB 39**, **SB 42**, **SB 64**, **SB 84**, **SB 85**, **SB 128**, **SB 135**, **SB 141**, **SB 142**, **SB 154**, **SJ 6**, **HB 31**.
Correctly engrossed: **SB 184**.
Transmitted to the House: **SB 52**, **SB 152**, **SB 164**.

MOTIONS

Majority Leader Rosendale moved the Senate recess and proceed to the House of Representatives to receive a State of Education address from Denise Juneau, Superintendent of Public Instruction, and reconvene upon adjournment of the joint session. Motion carried.

SPECIAL ORDERS OF THE DAY

The Senate was introduced in the House Chambers; President Barrett assumed the chair.

Majority Leader Rosendale moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving the State of Education address from Denise Juneau, Superintendent of Public Instruction. Motion carried.

Majority Leader Rosendale moved the President be authorized to appoint a committee of four to notify Superintendent Juneau that the Senate and House of Representatives are in joint session and ready to receive the address. Without objection, the President appointed Senators Arntzen and Facey and Representatives Lamm and Wilson and charged the committee to escort Superintendent Juneau into the chambers.

In honor of the 150th anniversary of the incorporation of the Montana Heritage Commission, "Governor" Sidney Edgerton, first Territorial Governor of Montana, presented a State of the Territory address to the joint session. Jeff Malcomson portrayed "Governor" Edgerton.

President Barrett introduced Superintendent Juneau who gave the following address:

Thank you President Barrett, Speaker Knudsen, Senators, Representatives and honored guests for this opportunity to provide the State of Education.

I asked President Barrett what she thought I should talk about today. She told me, just be yourself. You have such a warm personality. I thought, what a great compliment. Then, I looked up the word "warm" in the dictionary and it said "not so hot." So, I'm not sure if that was a compliment or not.

Oki. Nik su kuwak(s). Nee da na koo, Denise Juneau. Senator Whitford took some time and taught me how to introduce myself in Blackfeet. I just greeted you as my relatives. And, Senator Whitford said that once I established that we're all related, I can hit you up for cash.

While I am an enrolled member of the Mandan-Hidatsa Tribes of North Dakota, I introduced myself in Blackfeet today since I grew up on the Blackfeet Reservation, am a descendent of the Blackfeet tribe and a proud graduate of Browning High School.

I tell students all the time that my high school diploma was the most important piece of paper I ever earned. It opened doors and provided opportunities I would never have believed when I was younger. The education I received in Browning eventually led me to Montana State University, the Harvard Graduate School of Education, the University of Montana school of law, and a career that led to me becoming the first American Indian woman elected to statewide office in the country.

I was lucky to be raised by parents who placed a high value on public education. They are here today--Stan and Carol Juneau-- and I would like to thank them for never lowering their expectations about the kind of world they want to live in and for instilling the values of justice and fairness in me and my brother. They are why I believe so much in public education and in helping others become educated.

My niece Sara and her two children, Alexander and Brynn, are also here today. As a first grader and a preschooler, they are a great reminder to me of the importance of early learning. It's been really fun to learn from them as they grow. Everything is new and so much learning takes place, even with the smallest things. And they are the best at communicating their learning about new things. When Alexander encountered his first identical twins in Head Start, he came home very excited to let his mom know that he just met two boys who were "born with the same face."

Brynn is three and attends a child care center and she wants to do everything her older brother does. She is sure she's ready for school. On a recent visit, Brynn was trying to learn the words to the song, "We Will Rock You." She listened to that song 100 times on the iPad. And so, everyone in the house had the privilege of listening to the song 100 times as she tried to decipher the lyrics. And, if you ever meet Brynn, you will soon find out that "she will, she will rock you."

While I think that Alexander and Brynn are the smartest kids ever, I know that all young children have that thirst for knowledge, that sense of wonder about the world we live in. It's the job of educators to help nourish that quality, or in some cases, help restore it.

High quality preschool can help close the achievement and opportunity gaps and ensure students

enter kindergarten ready to learn with the foundation they need to succeed in school. That's why I stand with Governor Bullock in his efforts to provide a high quality education for Montana's youngest learners. It's time for us to provide our earliest learners with an Early Edge.

On the other end of the K-12 spectrum, we have done a lot of work to help students transition to college and careers. A strong partnership between my office and the Office of the Commissioner of Higher Education has led to significant advances in increasing access to post-secondary education. We offer the ACT to every junior at no cost to their families, we have doubled the number of students taking dual enrollment courses, we have reduced college remediation rates and, during the second year of College Application Week, more than 3,000 seniors submitted applications to a Montana college for a waived or deferred fee. Thank you for your strong partnership, Commissioner Christian.

Last session, the legislature supported my request for $1 million to increase career and technical education student organization membership. That funding has paid off--Montana FFA achieved the greatest percentage of membership growth in the country and Technical Students of America nearly tripled the size of their membership.

We have student representatives and their advisors from Business Professionals of America, Family, Career and Community Leaders of America, FFA, Future Health Professionals, Technology Student Association and Skills USA in the balcony today. Over the past 18 months, these student groups have dedicated more than 30,000 hours to community service and workforce skill development. Please stand and let us thank you for your leadership in your schools and respective student organizations.

When students take 3 or more CTE courses in high school, they graduate at a rate of 97%. That's why Career and Technical Education is an important part of Graduation Matters Montana.

I'm sure all of you are aware of the good work happening in the 48 Graduation Matters communities across the state. Communities as diverse as Laurel, Eureka, Miles City, Glasgow, Wolf Point, and Hamilton are pulling together their schools, parents, students and businesses to find ways to collaborate and keep more students in school. My office has raised over $1.2 million in private funds to support these local efforts. The focus on dropout prevention in Graduation Matters communities is working. From 2009-2014, Montana's graduation rate has increased from 80.7 percent to 85.4 percent, and the dropout rate has decreased from 5 percent to 3.7 percent. This represents an all-time high in Montana's graduation rate and means that 733 fewer students dropped out in 2014 than in 2009. Those numbers are a tribute to the hard work going on in local communities.

I have introduced two bills directly tied to Graduation Matters--Senate bills 12 and 14. Two avenues for the legislature to partner with schools and parents to keep more students in school so they graduate and have a chance of success in our global economy.

Senate Bill 12, carried by Senator Moe, would provide funding to schools that do the right thing and educate a student who might need an additional semester or year to earn the credits for graduation. Montana is currently the only state in the nation that cuts off school funding when a

student turns nineteen.

During the hearing in the Senate Education Committee, a young man named Will from Great Falls explained that when his father was laid off, he became the breadwinner for his family for a period of time, working 12 hour shifts from 4:30 pm to 4:30 am. Will couldn't keep up with school and his efforts to make money to support his little brother and sister, and he ended up leaving school. But Will and his family got help from others and he found his way back. And even though he was 19 years old, the alternative public school in Great Falls, Paris Gibson, brought him back, and he is now going to earn his high school diploma. This young man deserved an opportunity to finish high school. And there are kids all over Montana with stories like Will--kids who become the main wage earner for their families, kids who lose a parent or guardian and their life goes off track. They deserve a second chance. They shouldn't be stopped from receiving their education because "the clock ran out on them" when they turned 19. You can help schools and students all across the state by passing Senate Bill 12.

Senate Bill 14, carried by Senator Driscoll, will raise the legal dropout age to 18 or upon graduation. It sets an expectation, that in today's economic climate, it's imperative that a student have a diploma or certificate as they enter adulthood. Knowing the long-term economic and social benefits to individuals graduating from high school, as policymakers and leaders in this state, we must share the accountability in addressing the dropout rate and set a clear expectation for our young people that they will graduate from high school.

Students who are 16 or 17 years old accounted for 65 percent of all dropouts in 2014. We expect passage of this bill would keep about 190 students from dropping out of school in the first year. That is a significant number. Raising the legal dropout age will make a difference.

The last time we raised our expectations of students in this area was 1921--94 years ago--when we asked that they stay in school until they turned 16 or complete 8th grade. Our 21st century realities cannot be sustained by our 100-year-old policies. We must set our expectations higher than 8th-grade graduation. We must expect more from our schools and our students. This is an idea whose time has come.

If legislators can come together to protect teens from the negative health risks associated with tanning beds, surely we can work together to support parents and schools in their efforts to keep students from dropping out of school. It is, as the Billings Gazette called it, a "no-brainer."

Graduation Matters Montana is not just about graduating students from high school. It's also about making sure they are prepared for their next steps. Thanks to the leadership of the Board of Public Education, we have raised our standards in English and math. Today, I walk into classrooms and watch young learners work through math problems and think of themselves as mathematicians. I watch young people discuss major issues of our time using evidence from primary sources to back up their arguments.

Teachers have told me they are amazed at the changes they have seen in their classrooms since they started implementing the standards. Our students are rising to meet the challenge of higher standards, and we shouldn't go backwards. These standards will help us continue to keep Montana

kids among the best in the nation.

The chairperson of the Board is Sharon Carroll, a math teacher from Ekalaka. For the last three years, her school had a graduation rate of 100%. I visited them last year to congratulate them on their excellent track record. Those numbers show the strength of our rural schools in this state. Or maybe it just shows the strength of good math teachers like Mrs. Carroll.

The board has been courageous and visionary in its efforts to move Montana's public education system forward, and I thank them. These board members are super dedicated to their mission of creating a high quality education system. During the last meeting, board member Lila Taylor from Broadus called in from a stockyard. That's some dedication. Board Chair Carroll and Paul Anderson, 2013 teacher of the year, are here representing the board today. Will you please stand so we can all thank you?

You need to know that where we have challenges in the public education system, we confront them head-on. Graduation Matters Montana. Higher standards. Early Edge.

One of the more demanding initiatives I have taken on is improving student outcomes in schools and communities that are facing significant challenges. I want every child, wherever they live, and regardless of their economic circumstances, to graduate from high school with the knowledge and skills they need to be successful in the next phase of their life. Under my Schools of Promise initiative, we have been working to transform several of the lowest performing school systems in the state. These schools are located in communities that experience poverty that is generational and persistent.

This is a partnership between schools, communities and the OPI to provide comprehensive professional development for all school staff, provide mental health wraparound services for students who need additional support and build connections between parents, the community and the schools. I appreciate the collaborative work the staff in these schools are doing. Although there are many challenging conditions, there are also strong family ties, deep connections to a rich culture and significant history in these communities. And, there is much hope to build upon.

We put students at the center of our Schools of Promise work and help them raise their voices. Brandon Bradley, a student from Hays Lodge Pole High School, is here today. When his grandmother passed away, he moved to Hays with his grandpa and brother to attend school. His grandfather recently passed away and Brandon was left with the responsibility of raising his younger brother, working at the local store and attending school. In addition to all of that, he is a member of our school improvement work group and makes sure student voices are included in the discussions about how their school works.

Brandon has been empowered to have a voice in his education and is making sure his peers are invited to the table as well. They have set student rules for getting along in school, decided the future direction of student engagement and are in the process of getting t-shirt making equipment so they can learn about business and entrepreneurship. Brandon has approached the Fort Belknap Tribal Council to gain the exclusive contract for all their t-shirt making needs. He is a great representative of our student groups in our Schools of Promise where they are becoming leaders

in both their school and community. Thank you, Brandon, for your tremendous leadership at Hays Lodge Pole. With students like you leading the way, our future in Indian Country is bright.

Our Schools of Promise are full of stories like Brandon's. We work with the adults AND the students in these schools. It is probably the most important work that we do. The staff on the ground in these schools and communities are truly affecting young lives for the better. That's why Representative Pease-Lopez is carrying House Bill 314 that would allow us to expand this work in four new communities, including mental health wraparound services for the most vulnerable students. We have a model that has gained national recognition, and we would like to continue this most important work that provides empowerment through education.

I know that all of us agree about the importance of education. How we deliver education is sometimes where we differ. I am proud to be the top advocate for public education. Public education means so much to all of us. It is still the great equalizer. It is the last great public endeavor we have in America that is open to all, to every citizen. Public education proves that America is still the land of opportunity. And, in our state, public education is doing a great job. Our public schools educate 92% of Montana students. Over the past ten years, Montana citizens have made significant investments in public schools and in our students.

Thank you, House of Representatives, for passing House Bill 27 so early in the session. Representative Hayman's bill provides the statutory increases for school funding. Passing this bill so early in the session will allow school districts to begin planning their budgets knowing that the funding is securely in place. I urge the Senate to also move it quickly and put it on the Governor's desk.

Unfortunately, efforts are underway again to pass legislation that would drain resources away from our community schools. We cannot afford to backtrack on the constitutional promise of a free, quality public education for Montana children. Public schools are open to all children. There are no lotteries to get in. They are accountable to the public and transparent about every dollar that is spent. They are the heart--and the economic engines--of our communities. They are our schools.

We must continue to set a high bar for student achievement, promote innovative practices, help students explore careers and post-secondary opportunities, and support our teachers and school leaders in their efforts to help every child reach their full educational potential.

One of the best parts of my job is seeing great teaching in action in Montana classrooms. There is nothing better than watching someone who truly excels at the craft of teaching. You can feel the energy in the classroom and see the students respond with excitement. I'm sure each of you can recall a teacher who made a special impact on your life, who ignited a spark in you, made you believe in yourself and pushed you to achieve something you didn't think you could. Those of you who have children likely have gratitude for the educators who are helping to inspire your kids to try something new and to believe in themselves.

One of the ways we have to honor the teaching profession is through the Teacher of the Year program. And I am honored to have Montana's 2015 Teacher of the Year, Craig Beals, a chemistry and earth science teacher from Billings Senior High School, in the audience.

Craig has done high-level scientific research all over the world, from Belize, Mongolia, Greenland, Borneo, and Africa to Montana. He inspired his students to design and build the largest cardboard geodesic dome planetarium in the world. (Try saying that fast 3 times.) His students have used their science skills to help improve their local parks, recommended new zoning, and contributed valuable water quality data to a national database for scientific research. And most importantly, he is known for developing strong relationships with the students in his classroom and having high expectations for them.

Craig had this to say about his nomination for Teacher of the Year: "I teach because I love it. I work hard because that's what I was taught to do. I create because I can't help it. Never have I done any of these things for an award; I do them because I don't know any other way."

He is using his year as the Montana Teacher of the Year to celebrate all the amazing things that teachers in this state are doing for young people. He has created a scroll, as well as a Twitter and Facebook account, for people to declare their support for teachers and to thank them for what they do every day. He knows that when teachers are shown a bit of appreciation, it goes a long way. I'm sure he would love to gain another 150 signatures on his scroll today.

Similar to the students in Craig's classes, I know the value of a Montana public education because it's a gift I was given. It is part of who I am, and part of what drove me to become an educator. And I know what we have to lose if we don't preserve and strengthen public education for generations to come. We must continue to work for excellence and equality in our education system.

We have a lot to be proud of and to celebrate. We have great teachers, great students and great public schools. And, I am so fortunate to be able to visit our future leaders in schools all across Montana. Every time I meet with my student advisory board, visit a classroom of middle-school students, read to first-graders, eat school lunch with fifth-graders, see great classroom teaching, or attend a Graduation Matters event with students, parents and businesses, I know that our schools, our communities and our future are in good hands.

My work as State Superintendent helps me remain optimistic about our future. Our hope lies with the next generation--it always has. And, that's what I get to do every day--support the next generation in reaching their hopes and dreams. We must ALL do our part to support them. When we ensure that each student is provided with an opportunity to receive a quality public education--THAT is how we make the future better.

Thank you all for your service to the state of Montana, its citizens and its students. I look forward to working with you to pass good legislation that will make our public education system even better.

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Majority Leader Rosendale moved the joint session be adjourned. Motion carried. Joint session adjourned at 1:42 p.m.

Senate reconvened at 1:45 p.m.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/31/2015

HB 43, introduced by M. MacDonald
HB 54, introduced by A. Person
HB 126, introduced by R. Peppers
HB 129, introduced by E. Hill
HB 133, introduced by M. MacDonald
HB 211, introduced by K. Wagoner
HB 222, introduced by R. Hollandsworth

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 246, introduced by J. Pomnichowski, J. Cohenour, V. Court, C. Kaufmann, M. McNally, C. Pope, referred to State Administration.
SB 247, introduced by J. Brenden, D. Ankney, N. Ballance, M. Blasdel, D. Brown, E. Buttrey, A. Doane, C. Glimm, B. Hamlett, D. Kary, J. Keane, M. Lang, M. Miller, F. Moore, D. Mortensen, R. Osmundson, A. Redfield, R. Ripley, M. Rosendale, C. Smith, S. Staffanson, N. Swandal, J. Taylor, F. Thomas, G. Vance, R. Webb, referred to Fish and Game.
SB 248, introduced by J. Brenden, D. Ankney, N. Ballance, M. Blasdel, D. Brown, T. Brown, E. Buttrey, P. Connell, A. Doane, J. Fielder, C. Glimm, B. Hamlett, D. Kary, J. Keane, M. Lang, M. Miller, D. Mortensen, R. Osmundson, A. Redfield, R. Ripley, M. Rosendale, S. Sales, C. Smith, S. Staffanson, N. Swandal, J. Taylor, F. Thomas, G. Vance, R. Webb, referred to State Administration.
SB 249, introduced by J. Cohenour, referred to Energy and Telecommunications.
SB 250, introduced by J. Cohenour, referred to Education and Cultural Resources.
SB 251, introduced by D. Brown, referred to Business, Labor, and Economic Affairs.
SB 252, introduced by L. Jones, F. Moore, referred to Education and Cultural Resources.
SB 253, introduced by M. McNally, K. Dudik, M. Monforton, N. Swandal, referred to Judiciary.
SB 254, introduced by J. Keane, referred to Business, Labor, and Economic Affairs.
SB 255, introduced by T. Brown, referred to Education and Cultural Resources.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 9, introduced by S. Sales, referred to Judiciary.
SR 10, introduced by S. Sales, referred to Judiciary.
SR 11, introduced by S. Sales, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 12, introduced by E. Hill (by request of the Law and Justice Interim Committee), referred to

Judiciary.
HB 27, introduced by D. Hayman (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
HB 43, introduced by M. MacDonald (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 54, introduced by A. Person (by request of the Department of Administration), referred to State Administration.
HB 107, introduced by R. Cook (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 126, introduced by R. Peppers (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
HB 129, introduced by E. Hill (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 132, introduced by F. Garner, B. Bennett, Brodehl, Curdy, Lavin, McConnell, Olszewski, Richmond, and Steenberg (by request of the Department of Transportation), referred to Highways and Transportation.
HB 133, introduced by M. MacDonald (by request of the Public Defender Commission), referred to Judiciary.
HB 150, introduced by K. Flynn, referred to Fish and Game.
HB 211, introduced by K. Wagoner, referred to State Administration.
HB 222, introduced by R. Hollandsworth, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Pomnichowski in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 183 - Senator T. Brown moved **SB 183** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 41 - Senator Facey moved **SB 41** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 53 - Senator Dick Barrett moved **SB 53** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 35

Nays: Brenden, D. Brown, Fielder, Hinkle, Howard, Moore, Ripley, Rosendale, Sales, Smith, Vincent, Ms. President.
Total 12

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 81 - Senator Facey moved **SB 81** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour,

Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Pomnichowski, Rosendale.
Total 2

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 119 - Senator Kary moved **SB 119** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Kaufmann, Stewart-Peregoy.
Total 2

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 163 - Senator Buttrey moved **SB 163** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

HB 63 - Senator Vuckovich moved **HB 63** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 39 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Thomas.
Total 1

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 42 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 64 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour,

Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 84 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 85 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 135 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 141 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 142 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour,

Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 154 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 30

Nays: Barrett Dick, T. Brown, Cohenour, Facey, Hamlett, Kaufmann, Keane, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SB 184 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Ripley.
Total 1

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SJ 6 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll, Taylor.
Total 3

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the week:

Douglas Red Eagles from Helena, sponsored by Senator Caferro
Savannah Gow from Missoula, sponsored by Senator Debby Barrett
Maddie Keiper from Missoula, sponsored by Senator Larsen
Shayla Lesh from Miles City, sponsored by Senator Moore
Wyatt Lesh from Miles City, sponsored by Senator Moore

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, February 3, 2015, the twenty-fourth legislative day. Motion carried.

Senate adjourned at 2:24 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

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SENATE JOURNAL
64TH LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 3, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Moe excused.. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 2/3/2015
Correctly printed: **SB 41**, **SB 53**, **SB 81**, **SB 119**, **SB 163**, **SB 183**, **SB 246**, **SB 247**, **SB 248**, **SB 249**, **SB 250**, **SB 251**, **SB 252**, **SB 253**, **SB 254**, **SB 255**, **SR 9**, **SR 10**, **SR 11**, **HB 63**.
Correctly engrossed: **SB 97**, **SB 175**, **SB 200**, **SB 217**.
Transmitted to the House: **SB 39**, **SB 42**, **SB 64**, **SB 84**, **SB 85**, **SB 135**, **SB 141**, **SB 142**, **SB 154**, **SB 184**, **SJ 6**.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair): 2/2/2015
SB 97, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "CORRECT MISCLASSIFICATION"
Insert: "MODIFY CLASSIFICATION"

2. Title, page 1, line 8.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 75-5-703"

3. Page 1, line 13 through line 14.
Strike: "**Correcting**" on line 13 through "**misclassification**" on line 14
Insert: "**Revising classifications in accordance with existing, present, and future most beneficial uses**"

4. Page 1, line 20.
Strike: "misclassified"
Insert: "not properly classified in accordance with its existing, present, and future most beneficial uses"

5. Page 1, line 21.
Following: "water body"
Strike: "misclassified"
Insert: "not properly classified"

6. Page 1, line 22.
Strike: "misclassified"
Insert: "not properly classified"
Strike: "correct the misclassification"
Insert: "properly classify the water body in accordance with its existing, present, and future most beneficial uses. Board action pursuant to this section is subject to 75-5-307"

7. Page 1, line 27 through page 4, line 7.
Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

SB 188, do pass. Report adopted.
SB 201, do pass. Report adopted.
SJ 2, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 2/2/2015
SB 217, introduced bill, be amended as follows:

1. Title, page 1.
Strike: "REQUIRING" on page 1, line 4 through "IMPLEMENTATION;" on page 1, line 6
Strike: "50-15-103," on page 1, line 10
Following: "50-15-124"
Strike: "," on page 1, line 10

2. Page 1, line 14 through line 26.
Strike: section 1 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SJ 9, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/3/2015
SB 175, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "SECTION"
Insert: "SECTIONS 15-30-2381, 15-31-171,"
Following: "50-51-114,"
Insert: "AND 50-51-115,"

2. Page 1, line 10.
Following: line 9

Insert: "Section 1. Section 15-30-2381, MCA, is amended to read:

"15-30-2381. Tax credit for providing ~~temporary~~ emergency lodging. (1) There is a credit for taxes otherwise due under this chapter for participation in the ~~temporary~~ emergency lodging program established in 50-51-114.

(2) The tax credit is:

(a) equal to $30 for each day of lodging provided; and

(b) limited to a maximum of 5 nights' lodging for each individual per calendar year.

(3) The credit may be claimed only for lodging provided in Montana.

(4) If the amount of the credit exceeds the taxpayer's liability under this chapter, the amount of the excess must be refunded to the taxpayer. The credit may be claimed even if the taxpayer has no tax liability.

(5) If the credit allowed under this section is claimed by a small business corporation, as defined in 15-30-3301, or a partnership, the credit must be attributed to shareholders or partners, using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes.""

Insert: "Section 2. Section 15-31-171, MCA, is amended to read:

"15-31-171. Tax credit for providing ~~temporary~~ emergency lodging. (1) There is a credit for taxes otherwise due under this chapter for participation in the ~~temporary~~ emergency lodging program established in 50-51-114.

(2) The tax credit is:

(a) equal to $30 for each day of lodging provided; and

(b) limited to a maximum of 5 nights' lodging for each individual per calendar year.

(3) The credit may be claimed only for lodging provided in Montana.

(4) If the amount of the credit exceeds the taxpayer's liability under this chapter, the amount of the excess must be refunded to the taxpayer. The credit may be claimed even if the taxpayer has no tax liability.

(5) If the credit allowed under this section is claimed by a small business corporation, as defined in 15-30-3301, or a partnership, the credit must be attributed to shareholders or partners, using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes.""

Renumber: subsequent sections

3. Page 1, line 11.
Strike: "**Temporary emergency**"
Insert: "**Emergency**"

4. Page 1, line 11.
Strike: "a voluntary temporary"
Insert: "an"

5. Page 1, line 16.
Strike: "temporary"
Insert: "emergency"

6. Page 1, line 19.

Strike: "crisis housing"
Insert: "shelter based on an imminent or existing threat to the safety or security of the individual or family"

7. Page 1, line 21.
Strike: "temporary"

8. Page 1, line 24.
Insert: "Temporary emergency"
Insert: "Emergency"

9. Page 2, line 2.
Strike: "temporary"

10. Page 2, line 6.
Following: line 5
Insert: "Section 4. Section 50-51-115, MCA, is amended to read:

"50-51-115. ~~Temporary emergency~~ Emergency lodging -- liability for damages. (1) An individual who is provided with ~~temporary~~ emergency lodging under 50-51-114 is liable for damages caused to the property during the individual's stay.

(2) If the individual is unable to pay for damages caused to the property, the designated charitable organization that referred the individual for ~~temporary~~ emergency lodging is responsible for the cost of the damages.""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 200, introduced bill, be amended as follows:

1. Page 1, line 14.
Strike: ".09%"
Insert: "0.9%"

And, as amended, do pass. Report adopted.

HB 41, be concurred in. Report adopted.
HB 52, be concurred in. Report adopted.
HB 122, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/2/2015

HB 29, introduced by T. Jacobson

HB 78, introduced by R. Lynch
HB 165, introduced by K. Regier
HB 187, introduced by T. Steenberg
HB 193, introduced by D. Salomon
HB 197, introduced by K. Regier
HB 207, introduced by D. Zolnikov
HB 240, introduced by T. Berry

MOTIONS

Senator T. Brown moved **HB 27** be moved from the Education and Cultural Resources committee to the Finance and Claims committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 256, introduced by B. Hamlett, P. Connell, referred to Natural Resources.
SB 257, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 258, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 259, introduced by B. Tutvedt, referred to Business, Labor, and Economic Affairs.
SB 260, introduced by F. Moore, referred to Education and Cultural Resources.
SB 261, introduced by B. Hamlett, P. Connell, M. Lang, F. Moore, R. Shaw, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 29, introduced by T. Jacobson (by request of the Board of Real Estate Appraisers), referred to Business, Labor, and Economic Affairs.
HB 78, introduced by R. Lynch, Zolnikov (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 102, introduced by R. Pinocci (by request of the Board of Realty Regulation), referred to Business, Labor, and Economic Affairs.
HB 165, introduced by K. Regier, referred to Judiciary.
HB 187, introduced by T. Steenberg, referred to Local Government.
HB 193, introduced by D. Salomon, referred to Local Government.
HB 197, introduced by K. Regier, referred to Judiciary.
HB 207, introduced by D. Zolnikov, Keenan, referred to Judiciary.
HB 240, introduced by T. Berry, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Connell in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 74 - Senator Sesso moved consideration of **SB 74** be passed for the day. Without objection, so ordered.

SB 54 - Senator Dick Barrett moved consideration of **SB 54** be passed for the day. Without objection, so ordered.

SB 128 - Senator Hansen moved **SB 128** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Keane, Sesso, Whitford.
Total 3

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

SB 150 - Senator Windy Boy moved **SB 150** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

Senator Taylor Brown introduced a delegation from Kyrgyzstan.

SB 140 - Senator L. Jones moved **SB 140** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

SB 133 - Senator Kaufmann moved **SB 133** do pass.

SB 133 - Senator Sands moved **SB 133**, second reading copy, be amended as follows:

1. Title, page 1, line 8.
Following: "PHYSICIANS;"
Insert: "REQUIRING NATUROPATHIC PHYSICIANS TO OBTAIN AUTHORIZATION TO ACCESS THE MONTANA PRESCRIPTION DRUG REGISTRY;"
Following: "37-2-101,"
Insert: "37-7-1503,"

2. Page 1, line 30.
Insert: "Section 2. Section 37-7-1503, MCA, is amended to read:
"37-7-1503. Prescription drug registry -- reporting <u>-- access --</u> requirements. (1) Except as provided in subsection (2), each entity licensed by the board as a certified pharmacy or as an out-of-state mail order pharmacy that dispenses drugs to patients in Montana shall provide prescription drug order information for controlled substances to the registry by:
(a) electronically transmitting the information in a format established by the board unless the board has granted a waiver allowing the information to be submitted in a

nonelectronic manner; and

(b) submitting the information in accordance with time limits set by the board unless the board grants an extension because:

(i) the pharmacy has suffered a mechanical or electronic failure or cannot meet the deadline for other reasons beyond its control; or

(ii) the board is unable to receive electronic submissions.

(2) This section does not apply to:

(a) a prescriber who dispenses or administers drugs to the prescriber's patients; or

(b) a prescription drug order for a controlled substance dispensed to a person who is hospitalized.

(3) A naturopathic physician as defined in 37-26-103 shall obtain authorization in accordance with rules adopted by the board to access the registry.""

Renumber: subsequent sections

3. Page 3, line 25.

Insert: "NEW SECTION. **Section 5. Transition.** A naturopathic physician must be in compliance with [section 2] by October 1, 2015."

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Blasdel, Brenden, Caferro, Fielder, Hinkle, Keane, Ripley, Rosendale, Smith, Tutvedt, Vincent.
Total 11

Paired: Moe, Aye; Keane, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 133 - Senator Kaufmann moved **SB 133**, as amended, do pass. Motion **failed** as follows:

Yeas: Fielder, Hansen, Hinkle, Hoven, Howard, Kaufmann, McNally, Phillips, Pomnichowski, Rosendale, Sesso, Smith, Thomas, Vance, Windy Boy, Wolken.
Total 16

Nays: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kary, Keane, Keenan, Larsen, Malek, Moe, Moore, Ripley, Sales, Sands, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Ms. President.
Total 34

Paired: Thomas, Aye; Moe, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 133 - Majority Leader Rosendale moved **SB 133** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, Moore, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 35

Nays: Cohenour, Hamlett, Hansen, Hinkle, Hoven, Kaufmann, McNally, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Thomas, Whitford, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

Senator Phillips rose on a point of order. He stated that Senate Rules do not require a "do pass as amended" motion once a bill has been amended.

SB 89 - Senator Brenden moved **SB 89** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 108 - Senator Wolken moved **HB 108** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Arntzen, Hinkle, Taylor.
Total 3

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 82 - Senator Taylor moved **HB 82** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: D. Brown, Jones, Kaufmann.
Total 3

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 32 - Senator Swandal moved **HB 32** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Connell moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 41 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

SB 53 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 32

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Jones, Kary, Moore, Ripley, Rosendale, Sales, Smith, Vance, Vincent, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

SB 81 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Pomnichowski, Rosendale.
Total 2

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

SB 119 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

SB 163 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Rosendale, Sales, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

SB 183 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 63 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Wednesday, February 4, 2015, the twenty-fifth legislative day. Motion carried.

Senate adjourned at 2:35 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 4, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Brenden and Jones excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 2/4/2015
Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh through fifteenth legislative days, find the same to be correct.

Correctly printed: **SB 89**, **SB 128**, **SB 140**, **SB 150**, **SB 188**, **SB 201**, **SB 256**, **SB 257**, **SB 258**, **SB 259**, **SB 260**, **SB 261**, **SJ 2**, **SJ 9**, **HB 32**, **HB 41**, **HB 52**, **HB 82**, **HB 108**, **HB 122**.
Correctly engrossed: **SB 115**, **SB 123**, **SB 149**, **HB 136**.
Transmitted to the House: **SB 41**, **SB 53**, **SB 81**, **SB 119**, **SB 163**, **SB 183**, **HB 63**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/3/2015
SB 123, introduced bill, be amended as follows:

1. Title, page 1, line 18.
Following: "33-16-1021,"
Insert: "33-16-1033,"

2. Page 2, line 17 through line 18.
Strike: "for" on line 17 through "plan" on line 18

3. Page 3, line 2.
Following: line 2
Insert: "(6) The state fund shall annually transfer funds to the commissioner, out of its surplus, for all necessary staffing and related expenses for a full-time attorney licensed to practice law in Montana and a full-time examiner qualified by education, training, experience, and high professional competence to examine the state fund pursuant to Title 33, chapter 1, part 4, and this section. The attorney and examiner must be employees of the commissioner."
Renumber: subsequent subsections

4. Page 14, line 13.
Following: line 12
Insert: "Section 11. Section 33-16-1033, MCA, is amended to read:
"33-16-1033. Advisory organization -- permitted activity. An advisory organization may:
(1) develop statistical plans, including class definitions;

(2) collect statistical data from members, subscribers, or any other source;

(3) prepare and distribute pure premium rate data, adjusted for loss development and loss trending, in accordance with its statistical plan. The data and adjustments must be in sufficient detail to permit insurers to modify pure premiums based upon their own rating methods or interpretations of underlying data.

(4) prepare and distribute manuals for rating rules and rating schedules that do not contain any rules or schedules, including final rates, without information outside the manuals;

(5) distribute information that is filed with the commissioner and open to public inspection;

(6) conduct research and collect statistics in order to discover, identify, and classify information relating to causes or prevention of losses;

(7) prepare and file policy forms and endorsements and consult with members, subscribers, and others relative to their use and application;

(8) collect, compile, and distribute past and current prices of individual insurers, if the information is made available to the general public;

(9) conduct research and collect information to determine the impact of benefit level changes on pure premium rates;

(10) prepare and distribute rules and rating values for the uniform experience rating plan; and

(11) calculate and disseminate individual risk premium modification factors. Individual risk premium modification factors may only be disseminated to:

(a) a licensed producer or ~~a plan No. 2 or plan No. 3~~ an insurer for the business of insurance only; and

(b) the department of labor and industry for regulatory purposes only. Individual employer payroll and loss information may be provided to a person other than the current licensed producer or ~~a plan No. 2 or plan No. 3~~ an insurer only after obtaining the employer's written permission.""

Renumber: subsequent sections

5. Page 18, line 24.
Following: "shall file"
Insert: "the rates and supplementary rate information"

6. Page 21, line 27.
Following: "January 1, 2016."
Insert: "The state fund and the insurance commissioner shall provide periodic updates to the economic affairs interim committee."

And, as amended, do pass. Report adopted.

SB 149, introduced bill, be amended as follows:

1. Page 1, line 25.
Following: "medicine;"
Strike: "or"

2. Page 1.

Following: line 25
Insert: "(b) an optometrist licensed pursuant to Title 37, chapter 10; or"
Renumber: subsequent subsection

3. Page 1, line 28.
Following: "medical visits,"
Insert: "eyeglasses, contact lenses,"

And, as amended, do pass. Report adopted.

HB 57, be concurred in. Report adopted.
HB 66, be concurred in. Report adopted.
HB 79, be concurred in. Report adopted.
HB 81, be concurred in. Report adopted.
HB 110, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 2/3/2015
SB 115, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "(1)"
Insert: "(a)"

2. Page 1, line 17.
Following: "~~for~~"
Insert: "by a law enforcement officer"

3. Page 1.
Following: line 18
Insert: "(b) Before a seizure occurs, the prosecutor may request that a licensed veterinarian accompany a law enforcement officer to the premises to evaluate the extent of the animal's disease, injury, or suffering."

4. Page 1, line 23.
Strike: "and"

5. Page 1, line 26.
Following: line 26
Insert: "(d) the evaluation of the licensed veterinarian if an evaluation was provided under subsection (1)(b)."

6. Page 1, line 29.
Following: "posted"
Insert: "by a law enforcement officer"

7. Page 2, line 5.
Following: "posted"
Insert: "by a law enforcement officer"

8. Page 2, line 20.
Following: "suffering and shall"
Insert: ", no more than 5 days after the hearing,"

9. Page 2, line 24.
Strike: "the"
Insert: "a"
Following: "proceeding"
Insert: "initiated for an alleged violation of 45-8-210, 45-8-211, or 45-8-217"

10. Page 2, line 28.
Strike: "alleged"

11. Page 3, line 1.
Following: "seizure"
Insert: ", if the court finds that the seizure was justified"

12. Page 3, line 4.
Strike: "determines"
Insert: "finds, by a preponderance of the evidence submitted,"

13. Page 3, line 6.
Strike: "may"
Insert: "shall"

14. Page 3, line 15.
Strike: "If the court orders a bond to"
Insert: "Upon an order of the court that a bond"

15. Page 4, line 2 through line 3.
Following: "veterinarian"
Strike: "or officer" on line 2 through "seizure" on line 3

16. Page 4.
Following: line 5
Insert: "(15) Any testimony of the respondent in a hearing held as provided in this section may not be used against the respondent in the criminal proceeding."

And, as amended, do pass. Report adopted.

HB 75, be concurred in. Report adopted.

HB 136, be amended as follows:

1. Title, page 1, line 5.
Strike: "MAIL"
Insert: "MEANS"

2. Page 1, line 14.
Strike: "e-mail"
Insert: "electronic"

3. Page 1, line 20.
Following: "electronic"
Strike: "mail"
Insert: "means"
Following: "address,"
Strike: "e-mail"
Insert: "electronic"

4. Page 1, line 21.
Strike: "e-mail"
Insert: "electronic"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/3/2015

SB 18, introduced by Dick Barrett
SB 33, introduced by J. Taylor

House bills passed and transmitted to the Senate for concurrence: 2/3/2015

HB 158, introduced by M. MacDonald
HB 241, introduced by T. Berry
HB 246, introduced by Z. Perry
HB 248, introduced by K. Holmlund

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 262, introduced by C. Vincent, P. Connell, S. Fitzpatrick, B. Hamlett, S. Stewart-Peregoy, K.

Williams, referred to Judiciary.
SB 263, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
SB 264, introduced by B. Keenan, referred to Finance and Claims.
SB 265, introduced by B. Keenan, referred to Business, Labor, and Economic Affairs.
SB 266, introduced by M. McNally, referred to Judiciary.
SB 267, introduced by S. Malek, referred to State Administration.
SB 268, introduced by D. Sands, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 158, introduced by M. MacDonald, referred to Education and Cultural Resources.
HB 241, introduced by T. Berry, referred to Highways and Transportation.
HB 246, introduced by Z. Perry, referred to Highways and Transportation.
HB 248, introduced by K. Holmlund, D. Mortensen, R. Osmundson, V. Ricci, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Stewart-Peregoy in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 74 - Senator Moe moved **SB 74** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

SB 54 - Senator Dick Barrett moved **SB 54** do pass.

SB 54 - Senator Dick Barrett moved **SB 54**, second reading copy, be amended as follows:

1. Page 4, line 27 through line 29.

Strike: "The purchaser's name" on line 27 through "available for disclosure." on line 29

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Keenan, Sales, Smith, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

SB 54 - Passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Arntzen, Blasdel, D. Brown, Fielder, Hansen, Hinkle, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Vance, Vincent, Webb, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

SB 68 - Senator Caferro moved **SB 68** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour,

Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

SB 143 - Senator C. Smith moved **SB 143** do pass. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 25

Nays: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 24

Paired: Brenden, Aye; Driscoll, No.

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 144 - Senator Buttrey moved **SB 144** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

HB 109 - Senator Cohenour moved **HB 109** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Nays: Arntzen, Blasdel, Caferro, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

HB 121 - Senator Webb moved **HB 121** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

HB 65 - Senator Dick Barrett moved **HB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Stewart-Peregoy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: McNally, Phillips, Sesso, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 89 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann,

Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

SB 128 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Kaufmann, Keane, Pomnichowski, Sesso, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

SB 140 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Jones.
Total 2

SB 150 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

HB 32 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

HB 82 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan,

Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: D. Brown, Kaufmann, Ripley.
Total 3

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

HB 108 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Hinkle, Taylor.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden, Jones.
Total 2

MOTIONS

Majority Leader Rosendale moved that SB 68 be re-referred to the Finance and Claims committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, February 5, 2015, the twenty-sixth legislative day. Motion carried.

Senate adjourned at 2:26 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 5, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Windy Boy excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 2/5/2015
Correctly printed: **SB 74**, **SB 143**, **SB 144**, **SB 262**, **SB 263**, **SB 264**, **SB 265**, **SB 266**, **SB 267**, **SB 268**, **HB 57**, **HB 65**, **HB 66**, **HB 75**, **HB 79**, **HB 81**, **HB 109**, **HB 110**, **HB 121**.
Correctly engrossed: **SB 54**.
Correctly enrolled: **SB 18**, **SB 33**.
Transmitted to the House: **SB 89**, **SB 128**, **SB 140**, **SB 150**, **HB 32**, **HB 82**, **HB 108**.
Examined by the sponsor and found to be correct: **SB 18**, **SB 33**.
Signed by the Secretary of the Senate at 2:50 p.m., February 5, 2015: **SB 18**, **SB 33**.
Signed by the President at 3:11 p.m., February 5, 2015: **SB 18**, **SB 33**.
Signed by the Speaker at 3:35 p.m., February 5, 2015: **SB 18**, **SB 33**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Sales, Chair): 2/5/2015
SB 126, do pass. Report adopted.
HB 134, be amended as follows:

1. Title, page 1, line 6.
Strike: "TRANSFERRED TO"
Insert: "PLACED IN"

2. Page 1, line 19 through line 20.
Following: "age."
Strike: remainder of line 19 through line 20

3. Page 2, line 6.
Following: "46-18-203"
Insert: ", but may not place a youth in a state adult correctional facility unless the youth was adjudicated for a felony offense"

4. Page 2, line 9.
Following: "facility"
Insert: "if the youth was adjudicated for a felony offense"

And, as amended, be concurred in. Report adopted.

HB 139, be concurred in. Report adopted.
HB 143, be concurred in. Report adopted.

LOCAL GOVERNMENT (Taylor, Chair): 2/4/2015
SB 237, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 2/4/2015
SB 211, do pass. Report adopted.
SB 233, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND"

2. Title, page 1, line 6.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 19.
Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 2/4/2015
SB 168, introduced bill, be amended as follows:

1. Page 1, line 11.
Strike: "5"
Insert: "6"

2. Page 1, line 14.
Strike: "5"
Insert: "6"

3. Page 1, line 19.
Strike: "5"
Insert: "6"

4. Page 2, line 11.
Following: "duty"
Insert: "unless the educational institution considers the missed course work to be critical to public safety or health"

5. Page 3, line 2.
Insert: "NEW SECTION. **Section 6. Policy to ensure student protections.** The commissioner of higher education may develop a policy for action by the board of regents that is consistent with the goals and steps in [sections 1 through 5] to ensure academic protections for students called to active duty."
Renumber: subsequent sections

6. Page 3, line 3.
Strike: "5"
Insert: "6"

7. Page 3, line 5.
Strike: "5"
Insert: "6"

And, as amended, do pass. Report adopted.

HB 64, be concurred in. Report adopted.
HB 84, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 2/5/2015
HB 56, be concurred in. Report adopted.
HB 67, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/4/2015

HB 68, introduced by K. Kelker
HB 69, introduced by G. Custer
HB 198, introduced by K. Regier
HB 206, introduced by M. Lang
HB 209, introduced by C. Schreiner
HB 212, introduced by K. Wagoner
HB 221, introduced by M. MacDonald
HB 232, introduced by K. Dudik

House joint resolution passed and transmitted to the Senate for concurrence: 2/4/2015

HJ 5, introduced by C. Fiscus

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 269, introduced by D. Ankney, B. Tutvedt, referred to Taxation.
SB 270, introduced by J. Taylor, E. Arntzen, D. Brown, E. Buttrey, G. Hertz, M. Noland, A. Olszewski, S. Sales, F. Thomas, G. Vance, referred to Business, Labor, and Economic Affairs.
SB 271, introduced by D. Sands, S. Lavin, referred to Business, Labor, and Economic Affairs.
SB 272, introduced by J. Windy Boy, B. Hamlett, R. Mehlhoff, S. Stewart-Peregoy, F. Thomas, L. Whitford, referred to Education and Cultural Resources.
SB 273, introduced by J. Fielder, P. Connell, B. Hamlett, J. Keane, referred to Natural Resources.
SB 274, introduced by J. Fielder, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 12, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 13, introduced by R. Webb, referred to Energy and Telecommunications.
SR 14, introduced by F. Thomas, referred to Public Health, Welfare and Safety.
SR 15, introduced by S. Sales, referred to Judiciary.
SR 16, introduced by F. Thomas, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 68, introduced by K. Kelker (by request of the Department of Military Affairs), referred to State Administration.
HB 69, introduced by G. Custer, referred to State Administration.
HB 198, introduced by K. Regier, referred to State Administration.
HB 206, introduced by M. Lang, J. Brenden, C. Clark, A. Doane, K. Flynn, B. Harris, G. Meyers, D. Mortensen, G. Pierson, L. Randall, A. Redfield, D. Salomon, R. Shaw, C. Smith, S. Staffanson, J. Welborn, referred to Agriculture, Livestock and Irrigation.
HB 209, introduced by C. Schreiner, referred to State Administration.
HB 212, introduced by K. Wagoner, referred to Fish and Game.
HB 221, introduced by M. MacDonald, R. Brodehl, W. Curdy, F. Garner, D. Jones, S. Lavin, E. Lieser, D. Mortensen, T. Steenberg, K. Swanson, referred to Fish and Game.
HB 232, introduced by K. Dudik, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 5, introduced by C. Fiscus, S. Hess, D. Jones, D. Mortensen, V. Ricci, B. Tschida, K. Wagoner, K. White, D. Zolnikov, R. Webb, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thomas in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 110 - Senator Buttrey moved **SB 110** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 96 - Senator Keane moved **SB 96** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 97 - Senator Vincent moved **SB 97** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 188 - Senator Vincent moved **SB 188** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 38

Nays: Barrett Dick, Facey, Kaufmann, Keane, Malek, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 200 - Senator Ankney moved **SB 200** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich,

Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 125 - Senator Keane moved **HB 125** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 45

Nays: Facey, Hamlett, Kaufmann, Malek.
Total 4

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 74 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 143 passed as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 26

Nays: Ankney, Barrett Dick, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 144 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 65 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 109 concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Wolken.
Total 31

Nays: Arntzen, Blasdel, Brenden, D. Brown, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Vance, Vincent, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 121 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: Sesso.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

MOTIONS

Majority Leader Rosendale moved **SB 186** be moved from the Judiciary committee to the Public Health, Welfare and Safety committee. Without objection, so ordered.

Senator L. Jones moved **SB 200** be re-referred moved to the Finance and Claims committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Friday, February 6, 2015, the twenty-seventh legislative day. Motion carried.

Senate adjourned at 2:05 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 6, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Windy Boy excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 2/6/2015
Correctly printed: **SB 96**, **SB 97**, **SB 110**, **SB 126**, **SB 188**, **SB 211**, **SB 237**, **SB 269**, **SB 270**, **SB 271**, **SB 272**, **SB 273**, **SB 274**, **SR 12**, **SR 13**, **SR 14**, **SR 15**, **SR 16**, **HB 56**, **HB 64**, **HB 67**, **HB 84**, **HB 125**, **HB 139**, **HB 143**.
Correctly engrossed: **SB 168**, **SB 233**, **HB 134**.
Transmitted to the House: **SB 74**, **SB 143**, **SB 144**, **HB 65**, **HB 109**, **HB 121**.
Delivered to the Governor at 8:45 a.m., February 6, 2015: **SB 18**, **SB 33**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 2/5/2015
HB 91, be concurred in. Report adopted.
HB 105, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/6/2015
SB 22, introduced bill, be amended as follows:

1. Page 3, line 24.
Strike: "in training""
Insert: "licensure candidate""

2. Page 4, line 24.
Following: "worker"
Strike: "in training"
Insert: "licensure candidate"
Following: "counselor"
Strike: "in training"
Insert: "licensure candidate"

3. Page 4, line 25.
Strike: "in training"
Insert: "licensure candidate"

4. Page 4, line 27.

Strike: "**in training**"
Insert: "licensure candidate"

5. Page 4, line 29.
Strike: "in training"
Insert: "licensure candidate"

6. Page 5, line 9 through line 10.
Strike: "in training""
Insert: "licensure candidate""

7. Page 5, line 11.
Strike: "in training"
Insert: "licensure candidate"

8. Page 5, line 12.
Strike: "in training"
Insert: "licensure candidate"

9. Page 5, line 13.
Strike: "in training"
Insert: "licensure candidate"

10. Page 5, line 16.
Strike: "in training"
Insert: "licensure candidate"

11. Page 5, line 18.
Strike: "in training"
Insert: "licensure candidate"

12. Page 6, line 14.
Strike: "in training""
Insert: "licensure candidate""

13. Page 7, line 24.
Following: "worker"
Strike: "in training"
Insert: "licensure candidate"
Following: "counselor"
Strike: "in training"
Insert: "licensure candidate"

14. Page 7, line 25.
Strike: "in training"

Insert: "licensure candidate"

15. Page 7, line 30.
Strike: "**in training**"
Insert: "licensure candidate"

16. Page 8, line 2.
Strike: "in training"
Insert: "licensure candidate"

17. Page 8, line 13.
Strike: "in training""
Insert: "licensure candidate""

18. Page 8, line 14.
Strike: "in training"
Insert: "licensure candidate"

19. Page 8, line 15.
Strike: "in training"
Insert: "licensure candidate"

20. Page 8, line 16.
Strike: "in training"
Insert: "licensure candidate"

21. Page 8, line 20.
Strike: "in training"
Insert: "licensure candidate"

22. Page 8, line 22.
Strike: "in training"
Insert: "licensure candidate"

23. Page 8, line 30.
Strike: "in training""
Insert: "licensure candidate""

24. Page 11, line 1.
Following: "worker"
Strike: "in training"
Insert: "licensure candidate"
Following: "counselor"
Strike: "in training"
Insert: "licensure candidate"

25. Page 11, line 2.
Strike: "in training"
Insert: "licensure candidate"

26. Page 11, line 4.
Strike: "**in training**"
Insert: "licensure candidate"

27. Page 11, line 6.
Strike: "in training"
Insert: "licensure candidate"

28. Page 11, line 17.
Strike: "in training"
Insert: "licensure candidate"

29. Page 11, line 18.
Strike: "in training"
Insert: "licensure candidate"

30. Page 11, line 19.
Strike: "in training"
Insert: "licensure candidate"

31. Page 11, line 20.
Strike: "in training"
Insert: "licensure candidate"

32. Page 11, line 24.
Strike: "in training"
Insert: "licensure candidate"

33. Page 11, line 26.
Strike: "in training"
Insert: "licensure candidate"

And, as amended, do pass. Report adopted.

SB 174, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "REQUIRING"
Insert: "ALLOWING"

2. Title, page 1, line 8.

Strike: "REPEALING SECTIONS 35-20-311 AND 35-20-313, MCA;"
Insert: "AMENDING SECTION 35-20-313, MCA;"

3. Page 1, line 16.
Following: "trustees"
Strike: "must"
Insert: "may"

4. Page 1, line 21 through line 24.
Strike: section 2 in its entirety
Insert: "Section 2. Section 35-20-313, MCA, is amended to read:
"35-20-313. Investment of fund. The principal of ~~such~~ the fund may be invested in the way in which public employees' retirement funds are permitted to be invested in the state of Montana as prescribed by 17-6-211 ~~and not otherwise~~. Each investment made by the trustee or by the board of trustees ~~shall be~~ is subject to the approval of the board of trustees of the cemetery association.""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 181, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "EFFECTIVE DATE"
Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 29.
Insert: "NEW SECTION. **Section 3. Applicability.** [This act] applies to board appointments and vacancy appointments made on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

SB 192, do pass. Report adopted.
HB 94, be concurred in. Report adopted.
HB 184, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 2/5/2015
SB 229, introduced bill, be amended as follows:

1. Title, line 6.
Following: "DEED"
Insert: "AND EXTENDING THE TERMINATION DATE"
Following: "MCA;"
Insert: "AMENDING SECTIONS 2, 3, 4, 5, 6, AND 7, CHAPTER 325, LAWS OF 2011;"

2. Page 2, line 29.
Strike: "2025" through "2011"
Insert: "2031"

3. Page 2.
Following: line 29
Insert: **"Section 2.** Section 2, Chapter 325, Laws of 2011, is amended to read:
"**Section 2.** Section 5, Chapter 461, Laws of 1997, is amended to read:
"**Section 5. Termination.** [This act] terminates October 1, ~~2003~~ ~~2025~~ 2031.""""
Insert: **"Section 3.** Section 3, Chapter 325, Laws of 2011, is amended to read:
"**Section 3.** Section 6, Chapter 270, Laws of 2001, is amended to read:
"**Section 6.** Section 5, Chapter 461, Laws of 1997, is amended to read:
"**Section 5. Termination.** [This act] terminates October 1, ~~2003~~ ~~2011~~ ~~2025~~ 2031."""""
Insert: **"Section 4.** Section 4, Chapter 325, Laws of 2011, is amended to read:
"**Section 4.** Section 2, Chapter 57, Laws of 2005, is amended to read:
"**Section 2.** Section 5, Chapter 461, Laws of 1997, is amended to read:
"Section 5. Termination. [This act] terminates October 1, ~~2003~~ ~~2016~~ ~~2025~~ 2031."""""
Insert: **"Section 5.** Section 5, Chapter 325, Laws of 2011, is amended to read:
"**Section 5.** Section 3, Chapter 57, Laws of 2005, is amended to read:
"**Section 3.** Section 6, Chapter 270, Laws of 2001, is amended to read:
"Section 6. Section 5, Chapter 461, Laws of 1997, is amended to read:
"Section 5. Termination. [This act] terminates October 1, ~~2003~~ ~~2011~~ ~~2016~~ ~~2025~~ 2031."""""
Insert: **"Section 6.** Section 6, Chapter 325, Laws of 2011, is amended to read:
"**Section 6.** Section 4, Chapter 57, Laws of 2005, is amended to read:
Section 4. Termination. [Section 1] terminates October 1, ~~2016~~ ~~2025~~ 2031.""
Insert: **"Section 7.** Section 7, Chapter 325, Laws of 2011, is amended to read:
"**Section 7. Termination.** [Section 1] terminates October 1, ~~2025~~ 2031.""
Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 16, be concurred in. Report adopted.
HB 112, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 2/5/2015
SB 230, do pass. Report adopted.
HB 144, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/5/2015

HB 85, introduced by T. Woods

HB 118, introduced by B. Bennett
HB 162, introduced by N. Schwaderer
HB 186, introduced by C. Pease-Lopez
HB 204, introduced by G. Hertz
HB 208, introduced by D. Moore
HB 217, introduced by T. Richmond
HB 224, introduced by Z. Perry
HB 225, introduced by V. Ricci
HB 256, introduced by M. Monforton
HB 265, introduced by S. Staffanson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 275, introduced by R. Webb, M. Blasdel, K. Hansen, J. Hinkle, D. Howard, D. Kary, S. Sales, C. Smith, N. Swandal, J. Taylor, G. Vance, referred to State Administration.
SB 276, introduced by R. Webb, B. Harris, D. Howard, D. Kary, N. Swandal, referred to Public Health, Welfare and Safety.
SB 277, introduced by R. Webb, J. Hinkle, D. Howard, D. Kary, C. Smith, N. Swandal, referred to Public Health, Welfare and Safety.
SB 278, introduced by C. Kaufmann, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 85, introduced by T. Woods (by request of the Teachers' Retirement Board), referred to State Administration.
HB 118, introduced by B. Bennett (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 162, introduced by N. Schwaderer, referred to Education and Cultural Resources.
HB 186, introduced by C. Pease-Lopez, J. Eck, S. Laszloffy, S. Lavin, A. Person, N. Schwaderer, K. Wagoner, referred to Judiciary.
HB 204, introduced by G. Hertz, J. Brenden, D. Brown, B. Hamlett, J. Keane, S. Malek, R. Ripley, S. Sales, F. Thomas, J. Windy Boy, G. Bennett, M. Blasdel, R. Brodehl, S. Fitzpatrick, K. Flynn, F. Garner, S. Hess, D. Jones, L. Jones, R. Lynch, A. Olszewski, L. Randall, M. Rosendale, K. Wagoner, R. Webb, K. White, T. Woods, D. Ankney, C. Smith, referred to Business, Labor, and Economic Affairs.
HB 208, introduced by D. Moore, referred to Business, Labor, and Economic Affairs.
HB 217, introduced by T. Richmond, P. Connell, F. Garner, D. Kary, M. Noland, referred to Taxation.
HB 224, introduced by Z. Perry, referred to Local Government.
HB 225, introduced by V. Ricci, referred to Business, Labor, and Economic Affairs.
HB 256, introduced by M. Monforton, referred to Public Health, Welfare and Safety.
HB 265, introduced by S. Staffanson, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 151 - Senator Kary moved **SB 151** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

President Debby Barrett introduced the Dillon Little Fiddlers who played and sang "Montana" for the Senate.

HB 57 - Senator Vuckovich moved **HB 57** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 66 - Senator Arntzen moved **HB 66** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 79 - Senator Whitford moved **HB 79** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 31 - Senator Cohenour moved **HB 31** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 136 - Senator Kary moved **HB 136** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 41 - Senator Thomas moved **HB 41** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 52 - Senator Cohenour moved **HB 52** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 47

Nays: Brenden, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 54 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 96 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 97 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 110 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 188 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 38

Nays: Barrett Dick, Kaufmann, Keane, Malek, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Taylor, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 125 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Driscoll arose on a point of procedure and requested Senate members include a bill's short title when re-referring bills. President Barrett noted the request.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:00 a.m., Saturday, February 7, 2015, the twenty-eighth legislative day. Motion carried.

Senate adjourned at 1:50 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 7, 2015 — State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Windy Boy excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 2/7/2015
Correctly printed: **SB 151**, **SB 192**, **SB 230**, **SB 275**, **SB 276**, **SB 277**, **SB 278**, **HB 16**, **HB 31**, **HB 41**, **HB 52**, **HB 57**, **HB 66**, **HB 79**, **HB 91**, **HB 94**, **HB 105**, **HB 112**, **HB 136**, **HB 144**, **HB 184**.
Correctly engrossed: **SB 22**, **SB 174**, **SB 181**, **SB 229**.
Transmitted to the House: **SB 54**, **SB 96**, **SB 97**, **SB 110**, **SB 188**, **HB 125**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 2/6/2015
SB 107, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "20-6-411,"

2. Page 3, line 25 through line 29.
Strike: "<u>:</u>" on line 25 through "<u>address the</u>" on line 29
Insert: ", an equitable"

3. Page 4, line 1.
Following: "<u>equipment.</u>"
Insert: "The division of assets must consider any remaining bonded indebtedness approved by the voters of the existing high school district prior to the voters' approval for the creation of a new high school district for the purpose of expanding into a K-12 district."

4. Page 5, line 6 through line 16.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SJ 10, do pass. Report adopted.
HB 157, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 2/6/2015

SB 122, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 10.
Following: "PROPERTY TAXES" on line 6
Strike: "," on line 6 through "AMMUNITION COMPONENTS" on line 10

2. Title, page 1, line 13.
Strike: "15-30-2110, 15-31-113,"

3. Title, page 1, line 14.
Following: "EFFECTIVE DATE"
Insert: ","
Strike: "AND"
Following: "APPLICABILITY DATES"
Insert: ", AND A TERMINATION DATE"

4. Page 1, line 18.
Strike: "7"
Insert: "6"

5. Page 2, line 2.
Strike: "7"
Insert: "6"

6. Page 2, line 21.
Strike: "**Tax exemptions**"
Insert: "**Property tax exemption**"

7. Page 2, line 26.
Following: "and 20-25-439;"
Insert: "and"

8. Page 2, line 27 through page 3, line 3.
Strike: ";" on page 2, line 28 through "workers' compensation" on page 3, line 3

9. Page 3, line 5.
Following: "components is exempt from"
Insert: "property"

10. Page 3, line 15.
Following: "only to the property"
Strike: ", income,"

11. Page 3, line 21 through page 4, line 1.
Strike: section 5 in its entirety

Renumber: subsequent sections

12. Page 4, line 7.
Strike: "90-1-116"
Insert: "90-1-117"

13. Page 5, line 11.
Strike: "7"
Insert: "6"

14. Page 5, line 13 through page 11, line 26.
Strike: section 10 through section 11 in their entirety
Renumber: subsequent sections

15. Page 11, line 30.
Strike: "as provided in [section 4]"

16. Page 13, line 3.
Strike: "7"
Insert: "6"

17. Page 13, line 20.
Strike: "7"
Insert: "6"

18. Page 13, line 23.
Strike: "7"
Insert: "6"

19. Page 13, line 25.
Strike: "7"
Insert: "6"

20. Page 13, line 26.
Strike: "9"
Insert: "8"

21. Page 13, line 27.
Strike: "9"
Insert: "8"

22. Page 14, line 10.
Following: line 9
Insert: "NEW SECTION. **Section 16. Termination.** [Sections 4, 7, and 8] terminate December 31, 2024."

And, as amended, do pass. Report adopted.

SB 180, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/6/2015

SB 10, introduced by J. Keane
SB 11, introduced by J. Keane
SB 15, introduced by N. Swandal
SB 70, introduced by J. Keane
SB 71, introduced by J. Keane
SB 75, introduced by G. Vuckovich
SB 98, introduced by T. Facey

House bills passed and transmitted to the Senate for concurrence: 2/6/2015

HB 166, introduced by K. Regier
HB 169, introduced by A. Wittich
HB 250, introduced by K. Wagoner
HB 285, introduced by K. Flynn
HB 299, introduced by M. Noland

MOTIONS

Senator Buttrey moved **HB 204** be re-referred from the Business, Labor, and Economic Affairs committee to the Judiciary committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 279, introduced by B. Hamlett, D. Brown, referred to State Administration.
SB 280, introduced by F. Moore, S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 281, introduced by F. Moore, S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 282, introduced by T. Facey, referred to Education and Cultural Resources.
SB 283, introduced by J. Brenden, M. Blasdel, R. Brodehl, D. Howard, J. Keane, M. Lang, M. Miller, F. Moore, R. Osmundson, A. Redfield, T. Richmond, R. Ripley, M. Rosendale, C. Smith, F. Thomas, R. Webb, K. White, referred to State Administration.
SB 284, introduced by J. Brenden, M. Blasdel, R. Brodehl, M. Cuffe, D. Howard, M. Lang, M. Miller, F. Moore, R. Osmundson, A. Redfield, T. Richmond, R. Ripley, M. Rosendale, S. Sales, C. Smith, G. Vance, K. White, referred to Fish and Game.

The following House bills were introduced and read first time:

HB 166, introduced by K. Regier.
HB 169, introduced by A. Wittich.

The following House bills were introduced, read first time, and referred to committees:

HB 250, introduced by K. Wagoner, referred to Fish and Game.
HB 285, introduced by K. Flynn, Ballance, G. Bennett, Berglee, Brodehl, B. Brown, Cuffe, Doane, Ehli, Fiscus, Garner, Greef, Hagstrom, Harris, Hertz, Hess, Hollandsworth, Holmlund, D. Jones, Lamm, Lang, Laszloffy, Lavin, Mandeville, Manzella, McKamey, Meyers, Miller, Monforton, D. Moore, Mortensen, Noland, Olszewski, Osmundson, Pinocci, Randall, Redfield, Regier, Ricci, Richmond, Schwaderer, Shaw, Staffanson, Tschida, Wagoner, White, and Zolnikov, referred to Business, Labor, and Economic Affairs.
HB 299, introduced by M. Noland, F. Garner, C. Glimm, B. Harris, D. Mortensen, T. Richmond, B. Tschida, K. White, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 84 - Senator D. Brown moved **HB 84** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 38

Nays: Arntzen, Blasdel, Brenden, Fielder, Hansen, Ripley, Sales, Smith, Swandal, Vance, Vincent.
Total 11

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 233 - Senator Caferro moved **SB 233** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 75 and HB 139 - Senator Facey moved consideration of **HB 75** and **HB 139** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 126 - Senator Webb moved **SB 126** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 47

Nays: Hinkle, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 201 - Senator Ankney moved **SB 201** do pass. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Vuckovich, Whitford, Wolken.
Total 24

Nays: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 201 - Majority Leader Rosendale moved **SB 201** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 25

Nays: Ankney, Barrett Dick, Brenden, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SJ 2 - Senator Hamlett moved **SJ 2** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 47

Nays: Kary, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 217 - Senator Hansen moved **SB 217** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 211 - Senator Buttrey moved **SB 211** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 175 - Senator Wolken moved **SB 175** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Wolken, Ms.

President.
Total 41

Nays: Fielder, Hinkle, Rosendale, Sales, Smith, Vance, Vincent, Webb.
Total 8

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 81 - Senator Arntzen moved **HB 81** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 44

Nays: Ankney, Brenden, Fielder, Rosendale, Sales.
Total 5

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Thomas excused at this time.

HB 110 - Senator Facey moved **HB 110** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 43

Nays: Fielder, Hinkle, Rosendale, Sales, Vincent.
Total 5

Absent or not voting: None.

Total 0

Excused: Thomas, Windy Boy.
Total 2

Senator Thomas present at this time.

HB 134 - Senator Swandal moved **HB 134** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 143 - Senator Moe moved **HB 143** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Wolken.
Total 32

Nays: Arntzen, Blasdel, Brenden, Fielder, Hinkle, Kary, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 122 - Senator Thomas moved **HB 122** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Thomas, Tutvedt, Vance, Vincent, Wolken.
Total 34

Nays: Arntzen, Brenden, Caferro, Hansen, Hoven, Keane, Malek, Moore, Ripley, Stewart-Peregoy, Taylor, Vuckovich, Webb, Whitford, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 56 - Senator Blasdel moved **HB 56** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 67 - Senator Pomnichowski moved **HB 67** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 44

Nays: Hinkle, Sales, Smith, Vance, Ms. President.
Total 5

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Facey assumed the chair.

HB 75 - Senator Sands moved **HB 75** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 44

Nays: Brenden, Howard, Ripley, Rosendale, Sales.
Total 5

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 139 - Senator Sands moved **HB 139** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: Rosendale.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee

arose. Senate resumed. President Barrett presiding. Chair Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: Keenan.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 151 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 31 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 41 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 52 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 45

Nays: Brenden, Hinkle, Ripley, Sales.
Total 4

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 57 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 66 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 79 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 136 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Monday, February 9, 2015, the twenty-ninth legislative day. Motion carried.

Senate adjourned at 9:15 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 9, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine present, Pomnichowski excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 2/9/2015
Correctly printed: **SB 126**, **SB 175**, **SB 180**, **SB 211**, **SB 217**, **SB 233**, **SB 279**, **SB 280**, **SB 281**, **SB 282**, **SB 283**, **SB 284**, **SJ 2**, **SJ 10**, **HB 56**, **HB 67**, **HB 75**, **HB 81**, **HB 84**, **HB 110**, **HB 122**, **HB 134**, **HB 139**, **HB 143**, **HB 157**.
Correctly engrossed: **SB 107**, **SB 122**.
Correctly enrolled: **SB 15**, **SB 70**, **SB 71**, **SB 75**, **SB 98**.
Transmitted to the House: **SB 151**, **HB 31**, **HB 41**, **HB 52**, **HB 57**, **HB 66**, **HB 79**.

MOTIONS

Majority Leader Rosendale moved the Senate recess and proceed to the House of Representatives to receive the State of Tribal Nations address and reconvene upon adjournment of the joint session. Motion carried.

Senate in recess.

SPECIAL ORDERS OF THE DAY

The Senate was introduced in the House Chambers. President Barrett assumed the chair.

Majority Leader Rosendale moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving a State of Tribal Nations address from Gerald Gray, Chairman of the Little Shell Chippewa Tribe. Motion carried.

Majority Leader Rosendale moved the President be authorized to appoint a committee of four to notify Chairman Gray that the Senate and House of Representatives are in joint session and ready to receive the address. Without objection, the President appointed Senators Thomas and Whitford, and Representatives Hess and Schreiner and charged the committee to escort Chairman Gray into the chambers.

President Barrett introduced Chairman Gerald Gray who gave the following address:
President Barrett, Speaker Knudsen, Governor, Lt. Governor, Senators, Representatives, Elders, Tribal Leaders, Distinguished Guests, State Officials and My Fellow Citizens:
Aanii, Boozhoo. Hello, Greetings. My name is Gerald Gray. I am the Chairman of the Little Shell

Tribe of Montana. As Chairman of the Little Shell Chippewa Indians of Montana, one of the eight Tribal Nations that call Montana home, it is an honor and a privilege to be here today to deliver the State of the Tribal Nations address.

The continued growth of the Indian Nations in Montana has been steady, but we all in this room know it can be much, much stronger. With more collaboration and open dialogue, we can come up with solutions to strengthen our Indian reservations and urban Indian communities, which in turn will only strengthen all of Montana.

As our sovereign Indian Nations continue to preserve and protect our traditional ways, our languages, and our cultures that have enabled our peoples to thrive for thousands of years, we also look toward the future. We are seeking more jobs, more economic opportunities, a thriving economy where no one is left in need and our children and adults have access to the best opportunities that are available to all.

Little Shell Tribe

As some of you may know the Little Shell Tribe is a State recognized tribe, which has been fighting for Federal recognition for 130 years. As past Chairman John Gilbert articulated many times "We have been waiting for the day that never comes." Well let me now say that day is coming, this will be our year!! We will persevere.

While our tribe's headquarters are located in Great Falls, we have members in many of your communities throughout the entire State of Montana. The Little Shell have the federal support for recognition from Senators Jon Tester and Steve Daines, as well as Congressman Ryan Zinke, and we have bills in both the Senate and House. Also we are eagerly waiting for the Part 83 rules, which are the amended rules required to be federally recognized. We will then resubmit our petition for federal recognition. We are asking this body to support and pass House Joint Resolution 15 supporting our recognition. Thank you to Representative Mitch Tropila and Senator Ed Buttrey for taking up that torch for the Little Shell.

So we ask "Why do we continue this fight? Why is this so important to the Little Shell?" Federal recognition is not a receiving line for federal handouts--for the Little Shell it's the opportunity for the right to self-govern, the right to Tribal sovereignty, and the right for us to work with all of you government to government.

There are many things that impact Montana's Indian Country, however I would like to address some of the more pressing ones; Economics, Education, and Health.

Indian Country Economics

Many Montanans, including some of our Tribal people, as most of you know, live in poverty and we must continue to work hard everyday to improve those conditions. While Montana's unemployment rate is around 4.5%, the unemployment rate averages between 60-80% on our reservations. Montana has the 3rd highest rate of poverty among American Indian/Alaska Natives, behind only North and South Dakota. We can and must do better. As a legislative body, you play a significant role in helping us get to a better place.

However, today in Montana there are great things happening throughout Indian Country.

This spring the Blackfeet nation will begin construction of a new and expanded dialysis treatment facility that will contain state-of-art technology. They also hope to build a new nursing care facility to replace their aging 45-year-old facility.

Fort Belknap is developing its tourism on the Hi-line, with tours of Snake Butte, Mission Canyon and the Yellowstone Buffalo.

Fort Peck Tribes are finalizing funding for a new multi-million dollar wellness center for its members.

The Crow Nation has broken ground on a veterans' housing complex for their warriors, and is in the process of organizing the Apsaalooke Cattle Company, the Blacklodge District C-Store.

West of the divide, the Confederated Salish and Kootenai Tribes have been strategically planning for the last three decades the purchase of Kerr Dam where its tribal enterprise, Energy Keepers, Inc., will be providing electricity to the grid for the Pacific Northwest. They are the only tribe to purchase a hydroelectric dam.

The Northern Cheyenne Development Corporation has been working since 2013 to re-establish the Cheyenne Depot I (Lame Deer) and Cheyenne Depot II (Ashland), which will provide essential goods and services in those two locations.

The Chippewa Cree Tribe is in the final stages of cell tower siting for the Rocky Boy Reservation. This is a public-private partnership with Triangle Telephone Cooperative.

Allow me to share with you what the Little Shell Tribe has accomplished as of today. In the past 3 years, our tribe has progressed by leaps and bounds. We now have a cultural center where we can educate people about the Little Shell history and culture. We have an event center for meetings, weddings and funerals and our celebrations, and in 2014 we purchased a 35,000 sq. foot office complex in Great Falls from which we derive income to support other business ventures. This past week we purchased a 72-acre Travertine quarry by Gardiner, which is only one of 3 active quarries in the entire United States. This will employ anywhere from 40 to 60 Little Shell members, and has the potential to produce an income for the Little Shell Tribe of approximately 16 million dollars per year. We are currently looking at other business ventures, such as a tire-recycling center and a meat-processing plant, all of which will benefit our Little Shell Tribal members and the state of Montana. Income made will be spent right here in Montana.

Indian Country Education

Education has and still is the stepping-stone for progress and success throughout Indian Country. The historical tide has turned in that success in education was dependent upon how well cultures matched the dominate society. Well, Indian Country has figured that out and now have made great strides in education.

I would like to give credit to school district #2 in Billings, Montana's largest city, where they recently

chose to name the newest middle school, Medicine Crow Middle School, after the distinguished American Indian war veteran, the last War Chief of the Crow nation and an author and historian, Joseph Medicine Crow.

This is a great example of being open minded and accepting of this state's changing diversity. It's actions like this that will help teach the younger generations that showing respect for people of other races and cultures fosters a deep respect and understanding of others. In turn it has an effect on how all people can work together in a productive and civic manner giving everyone a chance to participate in our society. This is what makes Montana great and will make Montana better!

Our Tribal Nations continue to collaborate with the Office of Public Instruction regarding the important work of both implementing Indian Education for All and improving American Indian student achievement across the state.

One mechanism that supports this government-to-government relationship is the Montana Advisory Council on Indian Education (MACIE), which serves to advise the Office of Public Instruction and the Montana Board of Education. Efforts to improve American Indian student achievement, lower dropout rates and increase college and career readiness are necessary goals as we look to ensure a strong future for Montana. American Indian students from Great Falls to Culbertson to Heart Butte must receive the same high quality of educational opportunity as all other kids. Tribal Nations must be partners with public schools in order for this to happen. The real promise of Indian Education for All is that our Nations' histories, cultures and contemporary issues be shared with all students.

Let's continue the success we're seeing throughout Montana and fund the Governor's pre-school plan. We all know that the earlier children start school the better the chance to ensure they develop socially and emotionally. Early childhood education also can significantly impact a child's cognitive development and language development. It's an investment in the state of Montana's future that we must have. As the Great Chief Sitting Bull once said "Let us put our minds together and see what life we can make for our children."

Bills Important to Indian Country

While there are many active pieces of legislation, there are a few that I want to mention in particular, so I stand here in front of you today and ask for your support. In working together through collaboration these bills will not only benefit Indian Country but all of Montana.

! HB 196, sponsored by Representative Susan Webber. The Tribal College Non-Beneficiary Assistance program provides funding to tribal colleges to support a portion of the costs of educating non-tribal members attending the seven tribal colleges on the reservations in Montana.

! Access to capital is an obstacle that impedes the launch or growth of individual tribal businesses as well as paralyzes the larger reservation economies. HB 301, sponsored by Representative Rae Peppers, The Native American Gap Financing Program, will provide support for tribal member-owned businesses that do not have

sufficient collateral to access a commercial business loan. This innovative pilot program will partner with traditional and tribal lending institutions and help provide those needed loans.

! HB 331, sponsored by Representative Nicholas Schwaderer, removes the term "Half breed" from signage and geological features in Montana. Let's do the right thing--we DO NOT need derogatory signage as it only sends the wrong message to the next generation.

! SB 262, sponsored by Senator C. Vincent is the CSKT Water compact. This is the final tribe seeking quantification of their water rights through the Montana state system. Let's get this passed and avoid unnecessary court battles that only hurt and drag down businesses.

! Preserving native languages in the form of spoken, written, or sign for each tribe in the state of Montana is of utmost importance to our tribal nations. This bill, which is sponsored by Senator Jonathan WindyBoy, will continue to develop, improve, and distribute language curriculum, language classes, publication of literature, and language-teaching products. It will also assist in preserving and carrying on our native languages.

For the Little Shell and other tribes, as well, passage of this language bill has and will:

Bring focus and clarity to the mission of the tribe to reinforce, identify, document, protect, and encourage the Little Shell language and culture.

Coalesce pride around a reaffirmed language and cultural identity for the tribe.

Projects a positive, accountable, transparent, and confident public image of the tribe.

Involved the tribe in nation-to-nation relationships throughout the traditional historic homeland.

Help the tribe to recognize its significant role within Montana society.

Please support this Language effort again and not let it become a "one and done."

The Indian Country Economic Development Program, otherwise known as the ICED program, has proven year and year again to be nothing but a success to the Tribes and to the towns in which the program awards were utilized. This program assists in creating jobs and providing income for families, which is the right thing to do.

ICED focuses on 1) workforce development and business development projects through tribal governments; 2) training for budding Native entrepreneurs; 3) access to capital through grant support for small business development of company collateral (also known as the Indian Equity

Fund); and 4) technical assistance on credit, commercial lending and financial management.

This particular funding has helped the Little Shell build our business infrastructure, which in turn also benefits the city of Great Falls, as the income derived from these ventures is spent throughout Cascade county. Please continue to fund this important job-creating program.

Before I end, I want to talk about one more really important topic. A topic that impacts every single Montanan--our friends, our neighbors, our family, our communities . That is our health.

Health
It is clear from the State of Montana's 2013 "State of the State Health Report" that health disparities exist between the Indian and non-Indian population in Montana. The most troubling statistic is the one that states that "white men in Montana live 19 years longer than American Indian men, and white women live 20 years longer than American Indian women." These statistics can simply no longer be ignored. This is an entire generation of people who are leaving our families and our communities too soon -- children are growing up without grandparents, families are losing children, and children are losing parents.

Now that we know this information, we must act--collectively and in partnership. A great opportunity exists for the Tribes and the State to work together to address health disparities in Indian Country. We need your support of any and all efforts made toward seizing this opportunity if we are to begin to make a difference.

Access to Health Care
The federal government, through the Indian Health Service, is responsible for delivering health care to Indians--a promise made by the federal government when they negotiated the treaties with Indian Tribes many, many years ago. Unfortunately, the health care services currently being provided are limited and inadequate, are subject to complex federal regulations, policies and requirements and, in the end, leaves individuals without access to basic services, preventative care and many times without choices in their own health care decisions.

The revenue received from third parties, such as Medicaid, is absolutely critical to building tribal health programs and delivering quality health care to Indians. These 100% federal pass-through dollars, which have no impact on the state general fund, are important to facilities as they continue to build their local health infrastructure. Ensuring that Indians have access to the health insurance marketplace to purchase health insurance at an affordable price is important to helping individuals have choice and ultimately better access to health care coverage.

Medicaid Expansion
Montana has the highest percentage of uninsured adult American Indians in the nation, with over half of our state's American Indian population uninsured. Indian Health Service is not a health insurance plan nor is it portable outside its own system. In fact, the services IHS does provide do not even meet the 10 essential benefits required under the Affordable Care Act.

One way to begin to make a difference in outcomes and in access to quality health care for Indians would be to expand Medicaid eligibility to those most in need. House Bill 249, sponsored by

Representative Pat Noonan, will do just that.

In our culture, we hold in high regard the expectation that we have a responsibility to care for others. Medicaid expansion would go a long way towards putting a serious dent in Montana's health disparity statistics and in giving individuals access to basic health care. I urge your support for Medicaid expansion in Montana. People's lives literally depend on it.

Accepting available federal funding will bring $5.4 billion into Montana over the next six years. It will also create high-paying jobs in the healthcare sector and among small businesses and it will keep those critical hospitals in our small towns and Indian reservation open and operating. Who doesn't want that?

These United States are truly the melting pot of the world. Montana demographics are also changing, therefore we need to work even harder together as a community to dispel the stereotypes that have plagued this state. That starts with all of us as leaders of this great state.

Since the direction of the party line clearly doesn't agree with all involved, perhaps politicians should start treating government as it was meant to be--addressing the problems at hand for the good of the people with sincere negotiation and compromise instead of party line attacks and misrepresentation. This whole concept of party wars and party agenda and being expected to go against what you know to be right (like not discriminating) just to satisfy some mystical presence at the heart of a party has not worked for centuries. Why would they expect it to work now? This thinking only holds the state of Montana back, so let's all change things and make Great Things Happen!

We, as politicians -- Republican, Democrat, Independents, Montana Legislators, State, County, Federal, and Tribal officials -- have the opportunity to work in an honest and true PARTNERSHIP to create a better life for all citizens of Montana, including all races and nationalities living in this great state.

We do not need to provoke and create hardships for one another. Instead, with our abundant range of abilities that we all possess, no matter what position we hold as individuals, we must commit ourselves to ensuring that we are all working together to create a quality life for all Montanans! We have the opportunity now to change how we can and should work in PARTNERSHIP for the betterment of all people. Let us begin this journey today! Migwech.

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Majority Leader Rosendale moved the joint session be adjourned. Motion carried. Joint session adjourned at 1:45 p.m.

Senate reconvened at 1:48 p.m.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair): 2/6/2015
SB 160, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "REQUIRING" on line 5 through "CAPRICIOUS;" on line 6

2. Page 1, line 15 through line 19.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

3. Page 1, line 20.
Strike: "conditions"

4. Page 1, line 21.
Following: "~~conditions~~"
Insert: "conditions"

5. Page 1, line 22.
Following: "(b)"
Insert: "conditions"

6. Page 1, line 24.
Following: "(c)"
Insert: "conditions"
Strike: "or under pre-Columbian era conditions"

7. Page 1, line 26.
Following: "(d)"
Insert: "conditions"

And, as amended, do pass. Report adopted.

SB 221, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 6, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Aeronautics
MCA 2-15-2506

! Mr. A. Christopher Edwards, 1648 Poly Drive, Billings, MT 59102, was reappointed to serve a term starting February 6, 2015 and ending January 1, 2019. Mr. Edwards fulfills the qualifications of Active Fixed Base Operator for the Board.

! Mr. Fred Lark, 620 NE Main Street, Lewistown, MT 59457, was reappointed to serve a term starting February 2, 2015 and ending January 1, 2019. Mr. Lark fulfills the qualifications of Representative of the general public for the Board.

Board of Architects and Landscape Architects
MCA 2-15-1761

! Mr. Dale Nelson, Nelson Architects, 621 2nd Ave North, Great Falls, MT 59401, was reappointed to serve a term starting March 27, 2015 and ending April 1, 2018. Mr. Nelson fulfills the qualifications of Licensed Architect for the Board.

Montana Arts Council
MCA 22-2-102

! Mr. Mark Kuipers, 4770 Duncan Drive, Missoula, MT 59802, was reappointed to serve a term starting February 6, 2015 and ending February 1, 2020. Mr. Kuipers fulfills the qualifications of Public Representative for the Council.

! Ms. Lynne Montague, 3000 James Street, Billings, MT 59102, was appointed to serve a term starting February 6, 2015 and ending February 1, 2020. Ms. Montague fulfills the qualifications of Public Representative for the Council.

! Mr. Rob Quist, PO Box 1711, Kalispell, MT 59901, was reappointed to serve a term starting February 6, 2015 and ending February 1, 2020. Mr. Quist fulfills the qualifications of Public Representative for the Council.

! Ms. Jean Steele, 435 Jorgy Way, Hamilton, MT 59840, was reappointed to serve a term starting February 6, 2015 and ending February 1, 2020. Ms. Steele fulfills the qualifications of Public Representative for the Council.

! Ms. Youpa Stein, PO Box 17307, Missoula, MT 59805, was reappointed to serve a term starting February 6, 2015 and ending February 1, 2020. Ms. Stein fulfills the

qualifications of Public Representative for the Council.

Board of Personnel Appeals
MCA 2-15-1705

! Mr. Steven R. Johnson, City of Missoula, 435 Ryman Street, Missoula, MT 59802, was reappointed to serve a term starting February 6, 2015 and ending January 1, 2019. Mr. Johnson fulfills the qualifications of Management Employee in organization with collective bargaining or who represent management in collective bargaining activities for the board.

! Mr. LeRoy Schramm, 1900 Dry Gulch Road, Helena, MT 59601, was appointed to serve a term starting February 6, 2015 and ending January 1, 2019. Mr. Schramm fulfills the qualifications of Substitute having general labor-management experience for the board.

! Mr. James D. Soumas, PO Box 50969, Billings, MT 59105, was reappointed to serve a term starting February 6, 2015 and ending January 1, 2019. Mr. Soumas fulfills the qualifications of Employee or Elected official of a Labor Union or Association recognized by the Board for the board.

! Ms. Amy Verlanic, 600 W 4th, Anaconda, MT 59711, was reappointed to serve a term starting February 6, 2015 and ending January 1, 2019. Ms. Verlanic fulfills the qualifications of Substitute Management Employee in organization with collective bargaining or who represent management in collective bargaining activities for the board.

I have included the appointees' resumes, biographies, or application materials for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process.

Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/7/2015

SB 26, introduced by N. Swandal

House bills passed and transmitted to the Senate for concurrence: 2/7/2015

HB 101, introduced by T. Steenberg
HB 194, introduced by A. Redfield
HB 251, introduced by J. Essmann
HB 258, introduced by K. Williams
HB 260, introduced by R. Lynch
HB 288, introduced by T. Richmond
HB 295, introduced by C. Pease-Lopez

MOTIONS

Senator Kaufmann moved to reconsider action on **SB 217** and that **SB 217** be placed on second reading on Wednesday, February 11, 2015. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 285, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.
SB 286, introduced by C. Smith, Debby Barrett, G. Bennett, S. Berglee, D. Brown, C. Fiscus, F. Garner, B. Harris, G. Hertz, J. Hinkle, A. Knudsen, F. Mandeville, T. Manzella, M. Miller, D. Moore, F. Moore, D. Mortensen, R. Osmundson, L. Randall, A. Redfield, K. Regier, M. Rosendale, N. Schwaderer, N. Swandal, J. Taylor, G. Vance, D. Zolnikov, referred to State Administration.
SB 287, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.
SB 288, introduced by B. Tutvedt, referred to Business, Labor, and Economic Affairs.
SB 289, introduced by D. Ankney, referred to State Administration.
SB 290, introduced by J. Keane, referred to Highways and Transportation.
SB 291, introduced by B. Hamlett, F. Garner, C. Larsen, S. Lavin, K. White, referred to Judiciary.

SB 292, introduced by M. Rosendale, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 101, introduced by T. Steenberg (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 194, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.
HB 251, introduced by J. Essmann, J. Sesso, referred to State Administration.
HB 260, introduced by R. Lynch, referred to Agriculture, Livestock and Irrigation.
HB 288, introduced by T. Richmond, referred to State Administration.
HB 295, introduced by C. Pease-Lopez, L. Whitford, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 168 - Senator Buttrey moved consideration of **SB 168** be passed to the 35th legislative day. Without objection, so ordered.

SB 123 - Senator Tutvedt moved **SB 123** do pass.

SB 123 - Senator Keane moved **SB 123**, second reading copy, be amended as follows:

1. Title, page 1, line 20.
Following: "EFFECTIVE DATE"
Insert: ","
Strike: "AND"
Following: "APPLICABILITY DATE"
Insert: ", AND A TERMINATION DATE"

2. Page 21, line 9.
Following: "the state fund"
Insert: "["

3. Page 21, line 10.
Following: "to [section 1],"
Insert: "]"

4. Page 23, line 7.

Following: line 7
Insert: "NEW SECTION. **Section 26. Termination.** [Sections 1, 6, 13(5) and (6), and 14(2) and the bracketed language in section 19] terminate June 30, 2016."

Amendment **not** adopted as follows:

Yeas: D. Brown, Caferro, Hamlett, Kaufmann, Keane, Sales, Sesso, Smith, Stewart-Peregoy, Vance, Vuckovich, Windy Boy, Wolken, Ms. President.
Total 14

Nays: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Swandal, Taylor, Thomas, Tutvedt, Vincent, Webb, Whitford.
Total 36

Paired: Keane, Aye; Pomnichowski, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 123 - Thereupon, the Senate reverted to the original motion of Senator Tutvedt which passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Whitford, Wolken, Ms. President.
Total 43

Nays: Caferro, Keane, Sands, Sesso, Stewart-Peregoy, Vuckovich, Windy Boy.
Total 7

Paired: Pomnichowski, Aye; Keane, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 149 - Senator Rosendale moved **SB 149** do pass.

SB 149 - Senator Facey moved **SB 149**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Following: "PROTECTION LAWS;"
Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 12.
Strike: "4"
Insert: "5"

3. Page 2.
Following: line 30
Insert: "NEW SECTION. **Section 5. Rulemaking.** The department may adopt rules to implement the provisions of [sections 1 through 5]."

4. Page 6, line 2.
Strike: "4"
Insert: "5"

5. Page 7, line 28.
Strike: "4"
Insert: "5"

6. Page 17, line 11.
Strike: "4"
Insert: "5"

7. Page 17, line 13.
Strike: "4"
Insert: "5"

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 28

Paired: Pomnichowski, Aye; Buttrey, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 149 - Thereupon, the Senate reverted to the original motion of Senator Rosendale which passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Paired: Buttrey, Aye; Pomnichowski, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 237 - Senator Blasdel moved **SB 237** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Pomnichowski.

Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moe, Moore, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 38

Nays: Caferro, Kaufmann, Keane, Malek, McNally, Phillips, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 126 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Hinkle, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

SB 175 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: D. Brown, Fielder, Hinkle, Keenan, Rosendale, Sales, Smith, Vance, Vincent.
Total 9

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

SB 211 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

SB 217 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 34

Nays: Barrett Dick, Caferro, Cohenour, Facey, Kaufmann, Larsen, Malek, McNally, Moe,

Phillips, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

SB 233 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

SJ 2 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Kary, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

HB 56 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

HB 67 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Hinkle, Sales, Smith, Vance, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

HB 75 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Blasdel, Brenden, D. Brown, Keenan, Ripley, Rosendale, Sales, Vance, Vincent.
Total 9

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

HB 81 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 42

Nays: Brenden, Fielder, Jones, Keenan, Rosendale, Webb, Ms. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

HB 84 concurred in as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Arntzen, Blasdel, Brenden, Fielder, Keenan, Ripley, Sales, Smith, Swandal, Vance, Vincent.
Total 11

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

HB 110 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 40

Nays: Blasdel, Brenden, Fielder, Hinkle, Rosendale, Sales, Tutvedt, Vincent, Ms. President.
Total 9

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

HB 122 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Howard, Kaufmann, Larsen, McNally, Moe, Phillips, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Wolken.
Total 32

Nays: Brenden, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Malek, Moore, Ripley, Sesso, Stewart-Peregoy, Webb, Whitford, Windy Boy, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

HB 134 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

HB 139 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Hinkle, Keenan, Rosendale.
Total 3

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

HB 143 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 34

Nays: Brenden, D. Brown, Fielder, Hinkle, Keenan, Moore, Ripley, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Pomnichowski.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the week:

Hunter Danz from Kalispell, sponsored by Senator Tutvedt
Grady Hayden from Kila, sponsored by Senator Blasdel
Daniel Sawdey from Scobey, sponsored by Senator Brenden
Samantha Sprott from Billings, sponsored by Senator Webb
Jewel Fox from East Helena, sponsored by Senator Brenden

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, February 10, 2015, the thirtieth legislative day. Motion carried.

Senate adjourned at 2:55 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 10, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Swandal excused. Quorum present.

BILLS AND JOURNALS 2/10/2015

Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth through twentieth legislative days, find the same to be correct.

Correctly printed: **SB 123**, **SB 149**, **SB 221**, **SB 237**, **SB 285**, **SB 286**, **SB 287**, **SB 288**, **SB 289**, **SB 290**, **SB 291**, **SB 292**.
Correctly engrossed: **SB 160**.
Correctly enrolled: **SB 10**, **SB 11**, **SB 26**.
Examined by the sponsor and found to be correct: **SB 10**, **SB 11**, **SB 70**, **SB 71**, **SB 75**, **SB 98**.
Transmitted to the House: **SB 126**, **SB 175**, **SB 211**, **SB 217**, **SB 233**, **SJ 2**, **HB 56**, **HB 67**, **HB 75**, **HB 81**, **HB 84**, **HB 110**, **HB 122**, **HB 134**, **HB 139**, **HB 143**.

Senator Brenden arose on a point of personal privilege concerning messages to Senators that contain unacceptable language.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/10/2015

SB 138, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "PROTECTIONS FOR"
Insert: "PRIVATE"

2. Title, page 1, line 5.
Following: "INSTITUTIONS, AND"
Insert: "PRIVATE"

3. Page 2, line 6.
Strike: "An"
Insert: "A private"

4. Page 2, line 9.
Following: "employer"

Insert: ":
(a) "

5. Page 2, line 10.
Following: "dismissal;"
Insert: "or"

6. Page 2.
Following: line 10
Insert: "(b) requested information regarding an applicant's criminal record but received false or incomplete information;"

7. Page 2, line 28.
Following: "misdemeanor"
Insert: "or felony"
Strike: "other than"
Insert: "that may have resulted in a term of incarceration exceeding 6 months, excluding"
Strike: ", excluding violations" through "61-8-406"
Insert: "within 3 years of the filing of the petition"

8. Page 3, line 26.
Following: "**harbor for**"
Insert: "**private**"

9. Page 3, line 27.
Following: "**record.** A"
Insert: "private"

10. Page 3, line 27 through line 30.
Following: "if" on line 27
Insert: ":"
Strike: "the landlord" on line 27 through "offense;" on line 30
Renumber: subsequent subsections

11. Page 4, line 2.
Following: "course;"
Strike: "or"

12. Page 4, line 3.
Following: "[section 2]"
Insert: "; or
(3) the tenant provided false information on the application concerning the tenant's criminal history"

13. Page 4, line 19.

Following: "chapter"
Strike: "1"
Insert: "25"

14. Page 4, line 20.
Following: "chapter"
Strike: "1"
Insert: "25"

And, as amended, do pass. Report adopted.

HB 38, be concurred in. Report adopted.
HB 103, be concurred in. Report adopted.
HB 147, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 2/9/2015
SB 148, introduced bill, be amended as follows:

1. Page 6, line 27 through line 28.
Following: "public"
Insert: "the following"
Following: "part 1"
Strike: ", including but not limited to"

2. Page 6, line 29 through line 30.
Strike: subsection (1) through subsection (2) in their entirety
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SR 6, be adopted. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/9/2015

HB 28, introduced by J. Eck
HB 87, introduced by E. McClafferty
HB 111, introduced by K. Regier
HB 226, introduced by T. Richmond
HB 280, introduced by J. Essmann
HB 302, introduced by F. Mandeville

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 293, introduced by B. Hamlett, D. Ankney, Debby Barrett, G. Bennett, J. Brenden, J. Keane, E. Lieser, R. Ripley, J. Sesso, B. Tutvedt, C. Vincent, G. Vuckovich, referred to State Administration.
SB 294, introduced by F. Moore, referred to Local Government.
SB 295, introduced by M. Blasdel, R. Brodehl, C. Fiscus, F. Garner, B. Harris, J. Hinkle, D. Howard, D. Kary, B. Keenan, D. Lamm, N. Schwaderer, C. Smith, J. Taylor, F. Thomas, G. Vance, D. Zolnikov, referred to Fish and Game.
SB 296, introduced by E. Arntzen, referred to Highways and Transportation.
SB 297, introduced by E. Arntzen, referred to Highways and Transportation.
SB 298, introduced by J. Fielder, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 11, introduced by M. Phillips, referred to Agriculture, Livestock and Irrigation.

The following House bills were referred to committees:

HB 166, introduced by K. Regier, referred to Taxation.
HB 169, introduced by A. Wittich, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 28, introduced by J. Eck (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 87, introduced by E. McClafferty (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
HB 111, introduced by K. Regier, referred to Judiciary.
HB 226, introduced by T. Richmond, referred to Natural Resources.
HB 280, introduced by J. Essmann, referred to Highways and Transportation.
HB 302, introduced by F. Mandeville, G. Bennett, B. Brown, A. Doane, S. Fitzpatrick, F. Garner, D. Mortensen, V. Ricci, M. Rosendale, N. Schwaderer, S. Staffanson, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Webb in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 9 - Senator Brenden moved **SJ 9** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

Senator Sesso arose and reminded the Senators that no persons or organizations should be named during floor debate.

Senator Thomas arose on a point of personal privilege and acknowledged the Minority Leader's point.

HB 64 - Senator Whitford moved **HB 64** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SB 22 - Senator Cohenour moved **SB 22** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll,

Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Nays: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SJ 10 - Senator L. Jones moved **SJ 10** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SB 229 - Senator Tutvedt moved **SB 229** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, D. Brown, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 123 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Caferro, Keane, Sesso, Stewart-Peregoy.
Total 4

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SB 149 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SB 237 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Wednesday, February 11, 2015, the thirty-first legislative day. Motion carried.

Senate adjourned at 2:15 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 11, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 2/11/2015
Correctly printed: **SB 22**, **SB 229**, **SB 293**, **SB 294**, **SB 295**, **SB 296**, **SB 297**, **SB 298**, **SR 6**, **SJ 9**, **SJ 10**, **SJ 11**, **HB 38**, **HB 64**, **HB 103**, **HB 147**.
Correctly engrossed: **SB 138**, **SB 148**, **SB 176**, **SB 209**, **SB 242**, **HB 74**, **HB 135**, **HB 221**.
Examined by the sponsor and found to be correct: **SB 15**, **SB 26**.
Transmitted to the House: **SB 123**, **SB 149**, **SB 237**.
Signed by the Secretary of the Senate at 3:20 p.m., February 10, 2015: **SB 10**, **SB 11**, **SB 70**, **SB 71**, **SB 75**, **SB 98**.
Signed by the Secretary of the Senate at 4:05 p.m., February 11, 2015: **SB 15**, **SB 26**.
Signed by the President at 10:15 a.m., February 11, 2015: **SB 10**, **SB 11**, **SB 70**, **SB 71**, **SB 75**, **SB 98**.
Signed by the Speaker at 12:40 p.m., February 11, 2015: **SB 10**, **SB 11**, **SB 70**, **SB 71**, **SB 75**, **SB 98**.

Majority Leader Rosendale informed the Senators that offensive messages received through the email delivery system should be turned in to leadership or the Secretary of the Senate so the email address can be blocked.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 2/10/2015
SB 176, do pass. Report adopted.
SB 210, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 2/10/2015
SB 249, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 2/10/2015
SB 34, do pass. Report adopted.
SB 37, do pass. Report adopted.
SB 145, do pass. Report adopted.
SB 200, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 2/10/2015
SB 247, do pass. Report adopted.
HB 221, be amended as follows:

1. Page 1, line 13.
Following: "and is"
Insert: "permanently"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 2/10/2015
SB 209, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "owner"
Insert: "or owners"

2. Page 1, line 24.
Following: "other than"
Strike: "the"
Insert: "an"

Following: "consent of"
Strike: "the"
Insert: "an"

3. Page 1, line 25 through line 26.
Following: "owner."
Strike: remainder of line 25 through line 26 in their entirety

4. Page 2, line 9.
Strike: "or"

5. Page 2, line 13.
Following: "systems"
Strike: "."
Insert: "; or"

6. Page 2, following line 13.
Insert: "(c) by order of the district court provided that the owner has notice and 48 hours to object and request a hearing."

And, as amended, do pass. Report adopted.

HB 26, be concurred in. Report adopted.
HB 74, be amended as follows:

1. Page 1, line 30.
Following: "account number"
Strike: ","
Insert: "or"
Following: "~~required~~"
Insert: "in combination with any required"

2. Page 4, line 24.
Following: "~~or~~"
Strike: ","
Insert: "or"
Following: "~~required~~"
Insert: "in combination with any required"

3. Page 7, line 11.
Following: "account number"
Strike: ","
Insert: "or"
Following: "~~required~~"
Insert: "in combination with any required"

And, as amended, be concurred in. Report adopted.

HB 135, be amended as follows:

1. Page 1, line 12.
Strike: ", in its opinion"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 2/11/2015
SB 242, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "(d)"
Insert: "except as provided in subsection (1)(a),"

And, as amended, do pass. Report adopted.

HB 195, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

February 10, 2015

Senator Debby Barrett, President
Montana Senate
Capitol Building
Helena, Montana 59601

Dear President Barrett:

On Tuesday February 10, 2015, I signed the following bills:

Senate Bill 18 - Dick Barrett
Senate Bill 33 - J. Taylor

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/10/2015

SB 4, introduced by T. Facey
SB 5, introduced by J. Windy Boy
SB 35, introduced by T. Facey
SB 36, introduced by T. Facey

House bills passed and transmitted to the Senate for concurrence: 2/10/2015

HB 119, introduced by T. Berry
HB 203, introduced by A. Wittich
HB 229, introduced by D. Zolnikov
HB 324, introduced by J. Welborn

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:
SB 299, introduced by F. Thomas, R. Ehli, referred to Judiciary.
SB 300, introduced by F. Thomas, N. Ballance, A. Olszewski, referred to Public Health, Welfare

and Safety.
SB 301, introduced by C. Smith, J. Essmann, C. Fiscus, D. Hagstrom, G. Hertz, D. Jones, D. Kary, S. Laszloffy, D. Mortensen, T. Richmond, R. Webb, D. Zolnikov, referred to Energy and Telecommunications.
SB 302, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
SB 303, introduced by J. Cohenour, referred to Local Government.
SB 304, introduced by R. Driscoll, referred to Judiciary.

The following Senate resolution was introduced, read first time, and referred to committee:
SR 17, introduced by E. Arntzen, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:
HB 119, introduced by T. Berry (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 203, introduced by A. Wittich, referred to Judiciary.
HB 229, introduced by D. Zolnikov, G. Bennett, A. Doane, M. Miller, D. Mortensen, referred to Highways and Transportation.
HB 258, introduced by K. Williams, D. Ankney, E. Buttrey, C. Hunter, M. McNally, N. Schwaderer, Essmann, referred to Judiciary.
HB 324, introduced by J. Welborn, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 230 - Senator Vincent moved **SB 230** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 180 - Senator Hoven moved **SB 180** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 33

Nays: Arntzen, Blasdel, Brenden, T. Brown, Hinkle, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Taylor, Tutvedt, Vance, Vincent, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 91 - Senator T. Brown moved **HB 91** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Vincent.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 94 - Senator Facey moved **HB 94** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 184 - Senator Arntzen moved **HB 184** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 157 - Senator Facey moved **HB 157** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: D. Brown, Fielder, Hinkle, Hoven, Rosendale, Sales, Smith, Vincent, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 112 - Senator Keenan moved **HB 112** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 174 - Senator Moe moved **SB 174** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 181 - Senator Arntzen moved **SB 181** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Barrett Dick, Tutvedt.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 192 - Senator Driscoll moved **SB 192** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 36

Nays: Blasdel, D. Brown, Hansen, Howard, Keenan, Moore, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 107 - Senator T. Brown moved **SB 107** do pass.

SB 107 - Senator Cohenour moved **SB 107**, second reading copy, be amended as follows:

1. Page 1, line 30.
Following: "~~(6)(b).~~"
Insert: "The proposition presented to voters must include an estimate of the potential financial impacts, including the information required in 15-10-425, for the transition costs levy pursuant to subsection (10)(b) of this section.
(3)"

2. Page 2, line 3.
Strike: "(2)(c)"
Insert: "(3)(c)"

3. Page 2, line 11.
Strike: "(2)(a)(ii)"
Insert: "(3)(a)(ii)"
Strike: "(2)(a)(i)"
Insert: "(3)(a)(i)"

4. Page 2, line 12.
Strike: "(2)(a)(iii)"
Insert: "(3)(a)(iii)"

5. Page 2.
Following: line 23
Insert: "(4) If the proposition to create a high school district solely for the purpose of expanding the elementary district into a K-12 district is approved by the electors of the existing elementary district pursuant to subsection (3), the county superintendent shall order an election to allow the electors of the existing high school district to consider the proposition of dividing the existing high school district. When the trustees canvass the vote of a school district division election under this section, they shall determine the approval or rejection of the division proposition as follows:

(a) Except as provided in subsection (4)(c), if the school district division election is held at a regular school election or at a special election called by the trustees, the trustees shall:

(i) determine the total number of electors of the elementary school district who are qualified to vote under the provisions of 20-20-301 from the list of electors provided by the county registrar for the school district division election;

(ii) determine the total number of qualified electors voting at the school district division election from the tally sheets for the election; and

(iii) calculate the percentage of qualified electors voting at the school district division election by dividing the amount determined in subsection (4)(a)(ii) by the amount determined in subsection (4)(a)(i).

(b) When the calculated percentage in subsection (4)(a)(iii) is:

(i) 40% or more, the school district division proposition is approved and adopted only if a majority of the votes were cast in favor of the proposition;

(ii) more than 30% but less than 40%, the school district division proposition is approved and adopted only if 60% or more of the votes were cast in favor of the proposition; or

(iii) 30% or less, the school district division proposition is rejected.

(c) If the school district division election is held at a general election, at an election that is conducted by mail ballot as provided in Title 13, chapter 19, or at a special election that is held in conjunction with a regular or primary election, the determination of the approval or rejection of the school district division proposition is made by a majority of the votes cast on the issue.

(d) If the canvass of the vote establishes the approval and adoption of the school district division proposition, the trustees shall issue a certificate proclaiming the passage of the proposition."
Renumber: subsequent subsections

6. Page 2, lines 24 through 25.
Strike: "to" on line 24 through "(2)" on line 25
Insert: "pursuant to subsection (4) is approved following the approval of the proposition pursuant to subsection (3)"

7. Page 2, line 26.
Strike: "(8)(b)."
Insert: "(10)(b). If voters reject the proposition to divide the high school district pursuant to subsection (4), the existing high school district may not be divided, the elementary district may not expand into a K-12 district, and subsections (6) through (13) do not apply."

8. Page 2, line 27 through line 29.
Strike: "proposition" on line 27 through "20-20-416" on line 29
Insert: "propositions pursuant to subsections (3) and (4) are approved"

9. Page 3, line 1 through line 2.
Strike: "proposition" on line 1 through "20-20-416" on line 2
Insert: "propositions pursuant to subsections (3) and (4) are approved"

10. Page 3, line 23.
Strike: "(4)"
Insert: "(6)"

11. Page 4, line 4.
Strike: "(9)"
Insert: "(11)"

12. Page 4, line 6.
Strike: "(4)"
Insert: "(6)"

13. Page 12, line 7.
Strike: "(8)(b)"
Insert: "(10)(b)"

14. Page 12, line 8.
Strike: "(4)"
Insert: "(6)"
Strike: "(8)(b)"
Insert: "(10)(b)"

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally,

Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 18

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 107 - Senator Moe moved **SB 107**, second reading copy, be amended as follows:

1. Page 1, line 30.
Following: "~~(6)(b).~~"
Insert: "The trustees shall pass a separate resolution calling for a bond election for the purpose of funding construction of a new high school to be held at the same time as the election to consider the proposition to create a high school district. The bond resolution and election must conform to the requirements of Title 20, chapter 9, part 4. If voters reject the bond proposition, the proposition to create a high school district is rejected, the elementary district may not expand into a K-12 district, and subsections (4) through (12) do not apply.
(3)"
Renumber: subsequent subsections

2. Page 2, line 3.
Strike: "(2)(c)"
Insert: "(3)(c)"

3. Page 2, line 11.
Strike: "(2)(a)(ii)"
Insert: "(3)(a)(ii)"
Strike: "(2)(a)(i)"
Insert: "(3)(a)(i)"

4. Page 2, line 12.
Strike: "(2)(a)(iii)"
Insert: "(3)(a)(iii)"

5. Page 2, line 25.
Strike: "(2)"

Insert: "(3)"

6. Page 2, line 26.
Strike: "(8)(b)"
Insert: "(9)(b)"

7. Page 3, line 2.
Strike: "(2)"
Insert: "(3)"

8. Page 3, line 23.
Strike: "(4)"
Insert: "(5)"

9. Page 4, line 4.
Strike: "(9)"
Insert: "(10)"

10. Page 4, line 6.
Strike: "(4)"
Insert: "(5)"

11. Page 12, line 7.
Strike: "(8)(b)"
Insert: "(9)(b)"

12. Page 12, line 8.
Strike: "(4)"
Insert: "(5)"
Strike: "(8)(b)"
Insert: "(9)(b)"

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 18

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 32

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 107 - Senator Facey moved **SB 107**, second reading copy, be amended as follows:

1. Page 1, lines 15 through 16.
Strike: "only" on page 1, line 15 through "1,000" on page 1, line 16

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Cohenour, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 107 - Thereupon, the Senate reverted to the original motion of Senator T. Brown which passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 34

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.

Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Cohenour, Driscoll, Facey, Kaufmann, Malek, Moe, Phillips, Sands, Sesso, Whitford.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 22 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Webb, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 229 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 9 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 10 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 64 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Blasdel, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator L. Jones moved **SB 180** and **SB 107** be re-referred to the Finance and Claims committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, February 12, 2015, the thirty-second legislative day. Motion carried.

Senate adjourned at 3:05 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 12, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Caferro excused. Quorum present.

BILLS AND JOURNALS 2/12/2015
Correctly printed: **SB 34**, **SB 37**, **SB 145**, **SB 174**, **SB 181**, **SB 192**, **SB 200**, **SB 210**, **SB 230**, **SB 247**, **SB 249**, **SB 299**, **SB 300**, **SB 301**, **SB 302**, **SB 303**, **SB 304**, **SR 17**, **HB 26**, **HB 91**, **HB 94**, **HB 112**, **HB 157**, **HB 195**.
Correctly engrossed: **HB 184**.
Correctly enrolled: **SB 4**, **SB 5**, **SB 35**, **SB 36**.
Examined by the sponsor and found to be correct: **SB 4**, **SB 5**, **SB 35**, **SB 36**.
Transmitted to the House: **SB 22**, **SB 229**, **SJ 9**, **SJ 10**, **HB 64**.
Signed by the Secretary of the Senate at 4:05 p.m., February 11, 2015: **SB 15**, **SB 26**.
Signed by the President at 9:00 a.m., February 12, 2015: **SB 15**, **SB 26**.
Signed by the Speaker at 9:45 a.m., February 12, 2015: **SB 15**, **SB 26**.
Delivered to the Governor at 9:18 a.m., February 12, 2015: **SB 10**, **SB 11**, **SB 70**, **SB 71**, **SB 75**, **SB 98**.
Delivered to the Governor at 11:05 a.m., February 12, 2015: **SB 15**, **SB 26**.

Senator Caferro present at this time.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/12/2015
SB 196, introduced bill, be amended as follows:

1. Page 1, line 16 through line 17.
Strike: "The" on line 16 through "uniformly." on line 17

2. Page 1, line 21 through line 22.
Strike: "uniform" on line 21 through "practices --" on line 22

3. Page 1, line 24 through line 25.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 241, introduced bill, be amended as follows:

1. Page 2, line 4.
Following: "affecting"
Strike: "an"
Insert: "a wage or"

And, as amended, do pass. Report adopted.

SB 244, do pass. Report adopted.
HB 80, be concurred in. Report adopted.
HB 95, be amended as follows:

1. Title, page 1, line 10.
Strike: "33-17-1003,"

2. Page 11, line 25 through Page 12, Line 3.
Strike: section 9 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 2/11/2015
SB 213, do pass. Report adopted.
SB 240, do pass. Report adopted.
SB 255, do pass. Report adopted.
HB 248, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 2/12/2015
SB 185, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "ADDRESS"
Insert: "COUNTY OF RESIDENCE"

2. Title, page 1, line 8.
Strike: "AND IMMUNITY" through "RECORDS"

3. Page 1, line 16.
Following: line 16
Insert: "(3) The department of justice is encouraged to develop the technology to enable photographs of offenders to be taken and maintained on the website."

4. Page 1, line 20.
Following: "register"

Insert: "with the department of justice and be fingerprinted"

5. Page 1, line 22.
Following: "registered"
Insert: "with the department of justice"

6. Page 1, line 24.
Strike: ";"
Insert: "."

7. Page 1, line 25 through line 28
Strike: subsections (c) and (d) in their entirety

8. Page 1, line 29 through page 2, line 1.
Following: "(2)"
Strike: "Registration under" on line 29 through "registration." on page 2, line 1

9. Page 2, line 3.
Strike: "appropriate registration agency"
Insert: "department of justice"

10. Page 2, line 3 through line 4.

Strike: "The registration agency" on line 3 through "justice." on line 4

11. Page 2, line 6.
Strike: "through (3)(g)"
Insert: "and (3)(b)"

12. Page 2, line 6 through line 8.
Following: "justice."
Strike: "The" on line 6 through "offender." on line 8

13. Page 2, line 10.
Following: "offender;"
Insert: "and"

14. Page 2, line 11.
Following: "(b) offender's"
Strike: "social security number"
Insert: "county of residence"

15. Page 2, line 12 through page 3, line 9.
Strike: line 12 through page 3, line 9
Renumber: subsequent subsections

16. Page 3, line 17.
Following: "student"
Strike: ","
Insert: "or"

17. Page 3, line 17 through line 18.
Following: "employment"
Strike: ", or transient"

18. Page 3, line 18.
Strike: "-- forwarding of information"
Strike: "(1)"

19. Page 3, line 19.
Following: "student"
Strike: ","
Insert: "or"
Following: "employment"
Strike: ", or transient"

20. Page 3, line 20.
Strike: "3"
Insert: "10"
Following: "change"
Strike: "appear in person and give"
Insert: "provide written"

21. Page 3, line 21.
Following: "to the"
Insert: "department of justice."
Strike: remainder of line 21 through page 4, line 14

And, as amended, do pass. Report adopted.

HB 128, be concurred in. Report adopted.
HB 161, be concurred in. Report adopted.

LOCAL GOVERNMENT (Taylor, Chair): 2/11/2015
SB 226, introduced bill, be amended as follows:

1. Page 3, line 5 through line 8.
Strike: "for which" on line 5 through "76-3-501." on line 8.
Insert: "except:
(a) for a future subdivision or subdivisions for which a preapplication meeting has been held or for which an application has been submitted;

(b) when the subdivisions are part of the same phased development; or

(c) when the future growth is identified in an adopted growth policy, zoning regulation, capital improvements plan, or transportation plan."

And, as amended, do pass. Report adopted.

HB 187, be concurred in. Report adopted.
HB 222, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 2/11/2015
SB 169, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "VACANCIES;"
Insert: "REQUIRING THE GOVERNOR TO MAKE AN APPOINTMENT TO FILL A CERTAIN VACANCY IN THE LAST YEAR OF AN OFFICE'S TERM;"

2. Page 2, line 9.
Following: "(4)(a)"
Insert: "(i)"

3. Page 2, line 10.
Following: "held."
Insert: "(ii)(A)"

4. Page 2, line 11.
Strike: "new" through "commences"
Insert: "results of the regularly scheduled general election are certified.
(B) When the results are certified, the governor shall appoint the candidate who won the election for the senate seat to fill the remainder of the vacancy"

5. Page 2, line 12 through line 13.
Following: "(b)"
Strike: "The governor" on line 12 through "the office." on line 13
Insert: "Unless the appointment is made pursuant to subsection (4)(a)(ii)(B), when a vacancy occurs, if the vacating officeholder represented a political party eligible for primary election under 13-10-601, the person appointed by the governor pursuant to subsection (4)(a)(i) or (4)(a)(ii) must be of the same political party and must be selected by the governor as provided in subsections (5) and (6)."

6. Page 2, line 15.
Following: "that office."
Insert: "(5) Within 3 days after being notified of a vacancy, the governor shall notify the political party that was represented by the vacating officeholder.

(6) (a) Within 15 days after being notified of a vacancy, the state party central committee

shall forward to the governor a list of three prospective appointees.

(b) The governor shall select an appointee from the list within 15 days after receiving it."

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/11/2015
SB 116, do pass. Report adopted.
SB 170, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 2/11/2015

HB 259, introduced by D. Moore

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 305, introduced by D. Kary, referred to Energy and Telecommunications.
SB 306, introduced by E. Arntzen, D. Salomon, referred to State Administration.
SB 307, introduced by S. Stewart-Peregoy, S. Webber, L. Whitford, J. Windy Boy, referred to Business, Labor, and Economic Affairs.
SB 308, introduced by J. Fielder, referred to Taxation.
SB 309, introduced by J. Hinkle, J. Brenden, R. Brodehl, B. Brown, Z. Brown, J. Essmann, T. Facey, J. Fielder, K. Flynn, F. Garner, B. Hamlett, D. Hayman, D. Howard, T. Jacobson, D. Kary, S. Lavin, F. Mandeville, K. McCarthy, C. Smith, J. Taylor, G. Vuckovich, referred to Fish and Game.
SB 310, introduced by L. Whitford, R. Lynch, K. McCarthy, D. Sands, C. Schreiner, S. Stewart-Peregoy, J. Windy Boy, referred to Business, Labor, and Economic Affairs.
SB 311, introduced by R. Webb, referred to State Administration.
SB 312, introduced by M. Phillips, referred to Energy and Telecommunications.
SB 313, introduced by M. Phillips, referred to Judiciary.
SB 314, introduced by R. Webb, referred to Energy and Telecommunications.
SB 315, introduced by R. Webb, referred to Judiciary.
SB 316, introduced by R. Webb, referred to Judiciary.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 18, introduced by D. Brown, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 12, introduced by P. Connell, J. Keane, M. Lang, C. Schreiner, referred to Energy and

Telecommunications.

The following House bill was introduced, read first time, and referred to committee:

HB 259, introduced by D. Moore, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 105 - Senator Cohenour moved **HB 105** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Arntzen, Blasdel, D. Brown, Hansen, Hinkle, Rosendale, Sales, Smith, Taylor, Vance, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 138 - Senator Hoven moved **SB 138** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, Moe, Moore, Phillips, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: D. Brown, Cohenour, Facey, Kaufmann, McNally, Pomnichowski, Sales, Swandal.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 115 - Senator Facey moved **SB 115** do pass.

SB 115 - Senator Swandal moved **SB 115**, second reading copy, be amended as follows:

1. Page 1, line 20.
Strike: "LICENSED"
Following: "VETERINARIAN"
Insert: "licensed as provided in Title 37, chapter 18, part 3,"

2. Page 2, lines 1 and 2.
Strike: subsection (2)(d) in its entirety
Insert: "(d) the results of an evaluation conducted by a veterinarian licensed as provided in Title 37, chapter 18, part 3, to determine the extent of the animal's disease, injury, or suffering."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 115 - Senator Kary moved **SB 115**, second reading copy, be amended as follows:

1. Title, line 5.
Strike: "AN ANIMAL'S"
Insert: "CERTAIN ANIMALS'"

2. Page 1, line 16.
Strike: "When"
Insert: "Except as provided in subsection (16), when"

3. Page 4.
Following: line 15
Insert: "(16) The provisions of this section do not apply to cattle, sheep, or swine."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Caferro, Sales, Stewart-Peregoy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 115 - Do pass motion **failed** as follows:

Yeas: Barrett Dick, Cohenour, Driscoll, Facey, Kary, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Vuckovich, Whitford, Windy Boy.
Total 20

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 115 - Senator Rosendale moved **SB 115** be **indefinitely postponed**. Motion carried as

follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Ms. President.
Total 30

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 160 - Senator Ankney moved **SB 160** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Cohenour, Driscoll, Facey, Kaufmann, McNally, Moe.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 221 - Senator Debby Barrett moved **SB 221** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 147 - Senator C. Smith moved **HB 147** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 38

Nays: Cohenour, Driscoll, Facey, Larsen, Malek, McNally, Phillips, Sands, Sesso, Vuckovich, Whitford, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 174 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 181 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Barrett Dick, Kaufmann, Pomnichowski, Tutvedt.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 192 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 35

Nays: Blasdel, D. Brown, Hansen, Howard, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 230 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 91 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 94 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 112 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 157 concurred in as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell,

Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Ankney, D. Brown, Hinkle, Rosendale, Sales, Smith, Taylor, Vance, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 184 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Friday, February 13, 2015, the thirty-third legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 13, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 2/13/2015

Correctly printed: **SB 116**, **SB 138**, **SB 160**, **SB 170**, **SB 213**, **SB 221**, **SB 240**, **SB 244**, **SB 255**, **SB 305**, **SB 306**, **SB 307**, **SB 308**, **SB 309**, **SB 310**, **SB 311**, **SB 312**, **SB 313**, **SB 314**, **SB 315**, **SB 316**, **SJ 12**, **SR 18**, **HB 80**, **HB 105**, **HB 128**, **HB 147**, **HB 161**, **HB 187**, **HB 222**, **HB 248**.
Correctly engrossed: **SB 169**, **SB 185**, **SB 196**, **SB 226**, **SB 241**, **HB 95**.
Transmitted to the House: **SB 174**, **SB 181**, **SB 192**, **SB 230**, **HB 91**, **HB 94**, **HB 112**, **HB 157**, **HB 184**.
Signed by the Secretary of the Senate at 9:05 a.m., February 13, 2015: **SB 4**, **SB 5**, **SB 35**, **SB 36**.
Signed by the President at 12:05 p.m., February 13, 2015: **SB 4**, **SB 5**, **SB 35**, **SB 36**.
Signed by the Speaker at 4:30 p.m., February 13, 2015: **SB 4**, **SB 5**, **SB 35**, **SB 36**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 2/12/2015
SB 57, introduced bill, be amended as follows:

1. Page 11, line 3 through line 4.
Strike: "and" on line 3 through "act," on line 4

2. Page 11, line 5.
Following: "program"
Insert: "within the department and the water court"

3. Page 11, line 11.
Following: the second "account"
Insert: "and may not be transferred to any other account prior to June 30, 2028"

4. Page 13, line 4.
Insert: "COORDINATION SECTION. **Section 9. Coordination instruction.** If both Senate Bill 82 and [this act] are passed and approved, then the words "annually and to the" in 85-2-281 are deleted and the introductory language in 85-2-281(1) must read:
"(1) provide reports to the water policy committee quarterly during a legislative interim on:"
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 68, do pass. Report adopted.
SB 92, do pass. Report adopted.
HB 27, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 2/12/2015
SB 171, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "LICENSE"
Insert: "INCOME"

2. Title, page 1, line 11.
Strike: "LICENSE"
Insert: "INCOME"

3. Title, page 1, line 12.
Strike: "LICENSE"
Insert: "INCOME"

And, as amended, do pass. Report adopted.

SB 190, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "BOTH HOUSES;"
Insert: "PROVIDING THAT A LEGISLATURE MAY ADOPT A SUBSEQUENT REVENUE ESTIMATING RESOLUTION;"

2. Page 1, line 28.
Strike: "subsection"
Insert: "subsections"
Following: "(3)(b)"
Insert: "and (3)(c)"

3. Page 1, line 30.
Strike: "The"
Insert: "Subject to subsection (3)(c), the"

4. Page 2, line 3.
Strike: "Upon"
Insert: "Subject to subsection (3)(c), upon"

5. Page 2, line 6.
Following: line 5
Insert: "(c) The house or the senate, or both, may introduce subsequent joint resolutions on the revenue estimate. The revenue estimate that is most recently adopted by both houses is the legislature's revenue estimate and must be used:

(i) for the purpose of determining whether there is a balanced budget;

(ii) by all agencies with responsibility for estimating revenue or costs, including the preparation of fiscal notes; and

(iii) to compare the adopted revenue estimate and assumptions to current revenue estimates under 17-7-140(4)."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/12/2015

SB 16, introduced by D. Brown
SB 19, introduced by R. Ripley
SB 27, introduced by D. Brown
SB 46, introduced by J. Pomnichowski
SB 78, introduced by B. Tutvedt

House bills passed and transmitted to the Senate for concurrence: 2/12/2015

HB 145, introduced by M. Cuffe
HB 331, introduced by N. Schwaderer
HB 372, introduced by F. Garner

MOTIONS

Senator Buttrey moved to re-refer **SB 306** from the State Administration Committee to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 317, introduced by J. Sesso, referred to Business, Labor, and Economic Affairs.
SB 318, introduced by N. Swandal, referred to Judiciary.
SB 319, introduced by M. Blasdel, D. Kary, referred to State Administration.
SB 320, introduced by J. Sesso, referred to Local Government.
SB 321, introduced by M. Blasdel, referred to Energy and Telecommunications.

SB 322, introduced by J. Fielder, referred to Judiciary.
SB 323, introduced by J. Fielder, referred to Natural Resources.
SB 324, introduced by J. Fielder, referred to Finance and Claims.
SB 325, introduced by J. Keane, referred to Natural Resources.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 13, introduced by D. Ankney, E. Arntzen, Debby Barrett, M. Blasdel, J. Brenden, D. Brown, T. Brown, E. Buttrey, P. Connell, B. Hamlett, K. Hansen, J. Hinkle, B. Hoven, D. Howard, L. Jones, D. Kary, J. Keane, F. Moore, R. Ripley, M. Rosendale, S. Sales, C. Smith, N. Swandal, J. Taylor, F. Thomas, B. Tutvedt, G. Vance, G. Vuckovich, R. Webb, J. Windy Boy, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 145, introduced by M. Cuffe, referred to Agriculture, Livestock and Irrigation.
HB 331, introduced by N. Schwaderer, referred to State Administration.
HB 372, introduced by F. Garner, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Dick Barrett in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 176 - Senator Pomnichowski moved **SB 176** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hinkle, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Nays: Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 210 - Senator Vuckovich moved **SB 210** do pass. Motion carried as follows:

Yeas: Ankney, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 34

Nays: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale, Smith, Taylor, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 200 - Senator Ankney moved **SB 200** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 247 - Senator Brenden moved **SB 247** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moe, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 38

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Malek, McNally, Phillips, Pomnichowski, Stewart-Peregoy, Whitford, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 209 - Senator Rosendale moved **SB 209** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 44

Nays: Driscoll, Kaufmann, Malek, Stewart-Peregoy, Whitford, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 242 - Senator Webb moved **SB 242** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Whitford, Windy Boy, Wolken.
Total 41

Nays: Caferro, Jones, Moore, Phillips, Pomnichowski, Ripley, Tutvedt, Vuckovich, Ms. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 148 - Senator C. Smith moved **SB 148** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 122 - Senator Rosendale moved **SB 122** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 26 - Senator Driscoll moved **HB 26** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 43

Nays: Brenden, Hansen, Howard, Keenan, Ripley, Taylor, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 74 - Senator McNally moved **HB 74** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Dick Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 35

Nays: Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Phillips, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 138 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Barrett Dick, D. Brown, Cohenour, Facey, Kaufmann, McNally, Pomnichowski, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 160 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 36

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Malek, McNally, Moe, Pomnichowski, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 221 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 46

Nays: Kaufmann, Stewart-Peregoy, Whitford, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 105 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Blasdel, D. Brown, Hinkle, Kary, Rosendale, Sales, Smith, Vance, Vincent, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 147 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Kaufmann moved to change her third reading vote on **SB 138** from Yes to No. Without objection, so ordered.

Senator L. Jones moved to re-refer **SB 148** and **SB 210** to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:00 a.m., Saturday, February 14, 2015, the thirty-fourth legislative day. Motion carried.

Senate adjourned at 2:50 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 14, 2015 — State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present; Senators Howard and Moore excused. Quorum present.

BILLS AND JOURNALS 2/14/2015
Correctly printed: **SB 68**, **SB 92**, **SB 122**, **SB 176**, **SB 200**, **SB 209**, **SB 242**, **SB 247**, **SB 317**, **SB 318**, **SB 319**, **SB 320**, **SB 321**, **SB 322**, **SB 323**, **SB 324**, **SB 325**, **SJ 13**, **HB 26**, **HB 27**, **HB 74**.
Correctly engrossed: **SB 57**, **SB 171**, **SB 190**, **SB 277**, **SR 4**, **HB 166**, **HB 183**.
Correctly enrolled: **SB 16**, **SB 19**, **SB 27**, **SB 46**, **SB 78**.
Transmitted to the House: **SB 138**, **SB 160**, **SB 221**, **HB 105**, **HB 147**.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Taylor, Chair): 2/13/2015
HB 183, be amended as follows:

1. Page 1, line 13.
Following: "CHAPTER 3,"
Insert: "except for county-owned parks,"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 2/13/2015
SB 276, do pass. Report adopted.
SB 277, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "SERVICES"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 25.
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 100, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 2/13/2015
SR 4, introduced resolution, be amended as follows:

1. Title, page 1, line 5.
Strike: "APPOINTMENTS"
Insert: "APPOINTMENT"

2. Page 1, line 8.
Strike: "appointments"
Insert: "appointment"

3. Page 1, line 9.
Strike: "have"
Insert: "has"

4. Page 1, line 10.
Following: "As"
Insert: "a"
Strike: "members"
Insert: "member"

5. Page 1, line 12.
Strike: line 12

6. Page 1, line 16.
Strike: "appointments"
Insert: "appointment"

And, as amended, be adopted. Report adopted.

HB 166, be amended as follows:

1. Page 1, line 14.
Strike: "0.9"
Insert: "0.8%"

2. Page 1, line 15.
Strike: "1.9%"
Insert: "1.8%"

3. Page 1, line 16.
Strike: "2.9%"
Insert: "2.8%"

4. Page 1, line 17.
Strike: "3.9%"
Insert: "3.8%"

5. Page 1, line 18.
Strike: "4.9%"
Insert: "4.8%"

6. Page 1, line 19.
Strike: "5.9%"
Insert: "5.8%"

7. Page 1, line 20.
Strike: "6.8%"
Insert: "6.7%"

8. Page 1, line 25.
Following: line 24
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If either Senate Bill No. 171 or Senate Bill No. 200, or both, and [this act] are passed and approved, then [this act] is void."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

February 13, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Montana Historical Society Board of Trustees
MCA 22-3-104

! Mr. Thomas Minckler, 2816 Palm Drive, Billings, MT 59102, was appointed to serve a term

starting February 13, 2015 and ending July 1, 2018. Mr. Minckler fulfills the qualifications of Public Representative for the Board.

Board of Radiologic Technologists
MCA 2-15-1738

! Dr. Jeffry Lindenbaum, 2800 10th Ave N, Billings, MT 59101, was appointed to serve a term starting February 13, 2015 and ending July 1, 2017. Mr. Lindenbaum fulfills the qualifications of Radiologist licensed to practice medicine in Montana for the Board.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/13/2015

SB 58, introduced by P. Connell
SB 59, introduced by R. Driscoll
SB 62, introduced by T. Brown
SB 81, introduced by T. Facey
SB 104, introduced by E. Arntzen

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 2/13/2015

SB 29, introduced by T. Brown

House bills passed and transmitted to the Senate for concurrence: 2/13/2015

HB 24, introduced by C. Schreiner
HB 33, introduced by R. Ehli
HB 34, introduced by R. Ehli
HB 35, introduced by R. Ehli
HB 47, introduced by C. Pease-Lopez
HB 146, introduced by K. Flynn

HB 319, introduced by A. Olszewski
HB 343, introduced by B. Bennett
HB 348, introduced by N. Ballance
HB 387, introduced by N. McConnell

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 326, introduced by J. Hinkle, referred to Natural Resources.
SB 327, introduced by M. Blasdel, referred to Energy and Telecommunications.
SB 328, introduced by L. Jones, D. Ankney, J. Brenden, Z. Brown, C. Clark, R. Cook, T. Facey, B. Hamlett, R. Hollandsworth, T. Jacobson, D. Jones, J. Karjala, J. Keane, B. Keenan, E. McClafferty, R. Mehlhoff, F. Moore, G. Pierson, J. Pomnichowski, R. Ripley, M. Rosendale, D. Salomon, J. Sesso, N. Swandal, K. Swanson, T. Woods, referred to Taxation.
SB 329, introduced by P. Connell, referred to Natural Resources.
SB 330, introduced by B. Hamlett, G. Bennett, P. Connell, S. Fitzpatrick, G. Kipp, R. Mehlhoff, S. Stewart-Peregoy, C. Vincent, K. White, J. Windy Boy, referred to Natural Resources.
SB 331, introduced by K. Hansen, L. Jones, referred to Education and Cultural Resources.
SB 332, introduced by E. Buttrey, S. Fitzpatrick, B. Hamlett, B. Hoven, T. Jacobson, W. McKamey, R. Mehlhoff, M. Moe, G. Pierson, R. Pinocci, J. Price, R. Ripley, C. Schreiner, M. Tropila, referred to Highways and Transportation.
SB 333, introduced by J. Hinkle, referred to Fish and Game.
SB 334, introduced by J. Fielder, referred to Fish and Game.
SB 335, introduced by B. Tutvedt, C. Kaufmann, referred to Taxation.
SB 336, introduced by B. Keenan, referred to Public Health, Welfare and Safety.
SB 337, introduced by B. Tutvedt, referred to Business, Labor, and Economic Affairs.
SB 338, introduced by E. Arntzen, J. Brenden, referred to Highways and Transportation.
SB 339, introduced by D. Howard, F. Thomas, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 24, introduced by C. Schreiner (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Finance and Claims.
HB 33, introduced by R. Ehli (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Finance and Claims.
HB 34, introduced by R. Ehli (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Finance and Claims.
HB 35, introduced by R. Ehli (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Finance and Claims.
HB 47, introduced by C. Pease-Lopez (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Finance and Claims.
HB 146, introduced by K. Flynn, referred to Fish and Game.
HB 319, introduced by A. Olszewski, referred to Public Health, Welfare and Safety.

HB 343, introduced by B. Bennett, Z. Brown, F. Mandeville, M. Miller, D. Mortensen, A. Person, C. Schreiner, B. Tschida, , D. Zolnikov, referred to Business, Labor, and Economic Affairs.
HB 348, introduced by N. Ballance, C. Smith, F. Thomas, referred to Public Health, Welfare and Safety.
HB 387, introduced by N. McConnell, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 196 - Senator Caferro moved consideration of **SB 196** be placed at the bottom of the second reading board. Motion carried.

SB 241 - Senator Webb moved **SB 241** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Paired: Howard, Moore, Aye; Caferro, Sands, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 244 - Senator D. Brown moved **SB 244** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Ms. President.
Total 28

Nays: Barrett Dick, T. Brown, Cohenour, Driscoll, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 213 - Senator Thomas moved **SB 213** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 240 - Senator Buttrey moved **SB 240** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Moore.

Total 2

SB 255 - Senator T. Brown moved **SB 255** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 249 - Senator Cohenour moved **SB 249** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 36

Nays: Blasdel, Brenden, D. Brown, Hinkle, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent.
Total 12

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 37 - Senator Fielder moved **SB 37** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 145 - Senator Hamlett moved **SB 145** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Larsen, McNally, Moe, Phillips, Ripley, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Caferro, Kary, Kaufmann, Keane, Keenan, Malek, Pomnichowski, Rosendale, Sesso.
Total 9

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 226 - Senator Webb moved **SB 226** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 196 - Senator Caferro moved **SB 196** do pass.

SB 196 - Senator D. Brown moved **SB 196**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND" through "SURVIVING SPOUSES"

2. Page 1, line 15 through line 16.
Strike: "and" on line 15 through "spouses" on line 16

3. Page 1, line 23.
Strike: ", the" through "spouse of a veteran"

Amendment adopted as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Larsen, Moe, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Ankney, Cohenour, Facey, Fielder, Kaufmann, Malek, McNally, Phillips, Pomnichowski, Sands, Swandal.
Total 11

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 196 - Senator Caferro moved **SB 196** , as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 46

Nays: Phillips, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 122 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keenan, Moe, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 176 passed as follows:

Yeas: Ankney, Barrett Dick, Brenden, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hinkle, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Nays: Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Jones, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 200 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Jones, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 209 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 43

Nays: Driscoll, Kaufmann, Malek, Stewart-Peregoy, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 242 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Facey, Fielder, Hansen, Hinkle, Hoven, Kary, Keenan, Larsen, Malek, McNally, Moe, Phillips, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Webb, Whitford.
Total 33

Nays: Caferro, Cohenour, Hamlett, Jones, Kaufmann, Keane, Pomnichowski, Ripley, Sesso, Tutvedt, Vincent, Vuckovich, Windy Boy, Wolken, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SB 247 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Jones, Kary, Keane, Keenan, Larsen, Moe, Phillips, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 37

Nays: Cohenour, Facey, Hinkle, Kaufmann, Malek, McNally, Pomnichowski, Sands, Stewart-Peregoy, Whitford, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

HB 26 concurred in as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Ankney, Brenden, Hansen, Keenan, Ripley, Taylor, Vincent, Webb.
Total 8

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

HB 74 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Moore.
Total 2

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Monday, February 16, 2015, the thirty-fifth legislative day. Motion carried.

Senate adjourned at 9:28 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 16, 2015 — State Capitol

Senate convened at 1:05 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

BILLS AND JOURNALS 2/16/2015

Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-first through twenty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 37**, **SB 145**, **SB 213**, **SB 226**, **SB 240**, **SB 241**, **SB 244**, **SB 249**, **SB 255**, **SB 276**, **SB 326**, **SB 327**, **SB 328**, **SB 329**, **SB 330**, **SB 331**, **SB 332**, **SB 333**, **SB 334**, **SB 335**, **SB 336**, **SB 337**, **SB 338**, **SB 339**, **HB 100**.
Correctly engrossed: **SB 48**, **SB 112**, **SB 136**, **SB 196**, **SB 216**, **HB 90**.
Correctly enrolled: **SB 58**, **SB 81**, **SB 104**.
Examined by the sponsor and found to be correct: **SB 104**.
Transmitted to the House: **SB 122**, **SB 176**, **SB 200**, **SB 209**, **SB 242**, **SB 247**, **HB 26**, **HB 74**.
Signed by the Secretary of the Senate at 10:50 a.m., February 16, 2015: **SB 16**, **SB 19**, **SB 27**, **SB 46**, **SB 78**.
Signed by the President at 11:10 a.m., February 16, 2015: **SB 16**, **SB 19**, **SB 27**, **SB 46**, **SB 78**.
Delivered to the Governor at 9:43 a.m., February 16, 2015: **SB 4**, **SB 5**, **SB 35**, **SB 36**.

Senate recessed and reconvened at 1:20 p.m.

Roll Call. All members present. Quorum present.

On this President's Day, President Abraham Lincoln, portrayed by Harry Fritz from Missoula, addressed the Senate.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/16/2015
SB 234, do pass. Report adopted.
HB 53, be concurred in. Report adopted.
HB 90, be amended as follows:

1. Page 8, line 29.
Following: "off leave"
Insert: ", other than sick leave,"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/13/2015
SB 112, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "AND PENALTIES FOR MISSING DEADLINES"
Insert: "; ALLOWING AN APPLICANT TO PROVIDE FUNDING FOR TMDL DEVELOPMENT UNDER CERTAIN CIRCUMSTANCES; ALLOWING FOR A HEARING BEFORE THE BOARD OF ENVIRONMENTAL REVIEW"

2. Page 3, line 15 through line 30.
Strike: subsection (9) in its entirety
Insert:

"(9)(a) When the department receives an application for a new individual permit to discharge into a surface water body or a segment of a surface water body pursuant to 75-5-401, the surface water body or segment of a surface water body has been listed pursuant to subsection (2) of this section, the discharge would contain a pollutant for which the water body or segment is threatened or impaired, and a TMDL has not been developed for that water body or segment, the department shall:

(i) within 30 days of the department's receipt of the application, initiate the development of a TMDL on the water body or segment; and

(ii) except as provided in subsection (9)(b), within 180 days of the department's receipt of the application, complete development of the TMDL pursuant to 75-5-703.

(b) If the department is not able to complete development of the TMDL in accordance with subsection (9)(a)(ii), the department shall, within 30 days of the department’s receipt of the application, specify in writing to the applicant why the department is not able to complete development of a TMDL in accordance with subsection (9)(a)(ii). The department and the applicant shall make reasonable efforts to mutually agree in writing to a timeframe in which the department shall complete development of the TMDL. If the department specifies a lack of resources as a reason why the department cannot complete development of the TMDL in accordance with subsection (9)(a)(ii), the department shall clearly explain in its written specification what resources are not available, why those resources are not available, and when those resources will be available.

(c) If the department and the applicant cannot mutually agree to a timeframe in accordance with subsection (9)(b), the department shall, within 60 days of the department’s receipt of the application, specify in writing to the applicant the timeframe in which the TMDL will be completed by the department and the reasons why that timeframe is appropriate. If the department specifies a lack of resources as a reason why the department’s timeframe is appropriate, the department may request the applicant provide funding for the development of the TMDL in order to accelerate the completion of the TMDL.

(d) The applicant may, within 15 days of the department’s written specification provided in accordance with subsection (9)(c), request in writing a hearing before the board for the purpose of petitioning the board to reverse or modify the department’s decision. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing before the board under this subsection. If the parties to the contested case waive a formal proceeding pursuant to 2-4-603, the informal proceeding must be conducted within 30 days after

the board's receipt of written request. After the hearing and in a reasonable time, the board shall affirm, modify, or reverse the action of the department, and the board shall make findings and conclusions that explain its decision. Pending the board's decision, the department shall develop the TMDL in accordance with the timeframe specified in subsection (9)(a)(ii).

(e) The department may not declare an application incomplete or deficient because a TMDL has not been prepared.

(f) If on [the effective date of this act], an application for a new individual permit to discharge into a surface water body or a segment of a surface water body pursuant to 75-5-401 is pending, the surface water body or segment of a surface water body has been listed pursuant to subsection (2) of this section, the discharge would contain a pollutant for which the water body or segment is threatened or impaired, and a TMDL has not been developed for the water body or segment, the department shall, except as provided in subsection (9)(g), complete a TMDL for the water body or segment within 180 days of [the effective date of this act].

(g) If the department is not able to complete development of the TMDL within 180 days of [the effective date of this act] pursuant to subsection (9)(f), then the timeframes established in accordance with subsections (9)(b), (9)(c), and (9)(d) apply to the application, but the timeframes are measured from [the effective date of this act], not from the date the department receives an application."

And, as amended, do pass. Report adopted.

SB 136, introduced bill, be amended as follows:

1. Page 2, line 16.
Following: "means"
Insert: ", for the purposes of fee assessment only,"
Strike: "solid and"

2. Page 3, line 24.
Following: "$25,000"
Insert: "annually"

And, as amended, do pass. Report adopted.

SB 256, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 2/13/2015
SB 48, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "SALES;"
Insert: "PROVIDING FOR THE ESTABLISHMENT OF AND PARTICIPATION IN AN ELECTRONIC RECORDKEEPING AND MONITORING SYSTEM; PROVIDING IMMUNITY;
Strike: "SECTION"
Insert: "SECTIONS 50-32-501 AND"

2. Page 1, line 9.
Strike: everything after the enacting clause
Insert: "Section 1. Section 50-32-501, MCA, is amended to read:

"50-32-501. Restricted possession, purchase, or other transfer of ephedrine or pseudoephedrine -- exceptions -- penalties. (1) Except as provided in subsection (2), a person may not purchase, receive, or otherwise acquire more than 9 grams within any 30-day period or more than 3 grams per day of any product, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine, any of their salts or optical isomers, or salts of their optical isomers ~~within any 30-day period~~.

(2) This section does not apply to any quantity of a product, mixture, or preparation dispensed pursuant to a valid prescription or as provided in 50-32-502.

(3) Possession of more than 9 grams of a drug product containing any detectable quantity of ephedrine~~,~~ or pseudoephedrine, their salts or optical isomers, or salts of their optical isomers constitutes a rebuttable presumption of the intent to use the product as a precursor to methamphetamine or another controlled substance.

(4) The rebuttable presumption in subsection (3) does not apply to:

(a) a retail distributor of drug products;

(b) a wholesale drug distributor, or its agents, licensed by the board of pharmacy;

(c) a manufacturer of drug products or its agents;

(d) a pharmacist licensed by the board of pharmacy; or

(e) a licensed health care professional possessing the drug products in the course of carrying out the profession.

(5) A person who knowingly or negligently violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine of not less than $100 or more than $500 and by imprisonment in the county jail for not more than 1 year.""

Insert: "Section 2. Section 50-32-502, MCA, is amended to read:

"50-32-502. Restricted sale and access to ephedrine or pseudoephedrine products -- exceptions -- penalties. (1) The retail sale of a product that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of their optical isomers may be made only in a pharmacy licensed pursuant to Title 37, chapter 7, or a retail establishment that is certified by the department of justice pursuant to subsection (2).

(2) (a) If there is not a licensed community pharmacy within a county, then a retail establishment may apply to the department of justice for certification as an establishment that is allowed to sell products that contain any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of their optical isomers.

(b) The department of justice shall adopt rules to establish criteria for the certification of retail establishments with the intent to limit the available supply of ephedrine and pseudoephedrine to prevent the manufacture of methamphetamine.

(c) The department of justice may certify a retail establishment based on the criteria adopted by rule.

(3) Except as provided in subsection (5), a licensed pharmacy or certified retail establishment provided for in subsection (1) that dispenses, sells, or distributes products containing ephedrine or pseudoephedrine shall:

(a) display the products containing ephedrine or pseudoephedrine behind the store counter

in an area that is not accessible to customers or in a locked case so that a customer is required to ask an employee of the licensed pharmacy or certified retail establishment for assistance in purchasing the product;

(b) limit sales to packages containing no more than a total of ~~9 grams~~ 3 grams base weight;

(c) require the person purchasing, receiving, or otherwise acquiring any product, mixture, or preparation containing ephedrine or pseudoephedrine to produce a valid driver's license or other form of valid government-issued photo identification and sign a record of sale or acquisition that includes the type of identification presented, including the identification number and issuing governmental entity, the time and date of the transaction, the name and address of the person purchasing or acquiring the ephedrine or pseudoephedrine, and the ~~number of grams of the product, mixture, or preparation purchased or acquired~~ name of the ephedrine or pseudoephedrine product sold, including the number of grams contained in the product;

(d) require the purchaser to sign the record of sale or acquisition, acknowledging:

(i) that the record may be kept in written or electronic form;

(ii) an understanding of the applicable sales limit; and

(iii) that providing false statements or misrepresentations may subject the purchaser to criminal penalties under 18 U.S.C. 1001; and

~~(d)~~(e) take action as necessary to ensure that a person does not purchase or acquire more than ~~9 grams~~ 3 grams per day of ephedrine or pseudoephedrine from the licensed pharmacy or certified retail establishment provided for in subsection (1) or more than 9 grams in any 30-day period. The limits apply to the total amount of base ephedrine or pseudoephedrine contained in the products and not to the overall weight of the products.

(4) A licensed pharmacy or certified retail establishment provided for in subsection (1) that dispenses, sells, or distributes products containing ephedrine or pseudoephedrine shall maintain all records made under subsection (3) ~~in a secure, centralized location~~ and enter the records into the recordkeeping and monitoring system provided for in [section 3]. Each record must be maintained by the licensed pharmacy or certified retail establishment provided for in subsection (1) for 2 years. ~~The licensed pharmacy or certified retail establishment provided for in subsection (1) shall provide access to sales records by law enforcement officials.~~

(5) This section does not apply to:

(a) any quantity of a product, mixture, or preparation dispensed pursuant to a valid prescription;

(b) ~~products containing ephedrine or pseudoephedrine that are in liquid, liquid capsule, or gel capsule form if ephedrine or pseudoephedrine is not the only active ingredient~~ the sale of a single package containing no more than 60 milligrams of ephedrine or pseudoephedrine to an individual;

(c) a product that the board, upon application by a manufacturer, exempts from this section by rule because the product has been formulated in a manner as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors; or

(d) any product or precursor dispensed pursuant to a prescription.

(6) (a) A person who negligently violates any provision of this section is punishable by a fine of not more than $500.

(b) A person who knowingly ~~or negligently~~ violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine of not less than $100 or more than $500 and by imprisonment in the county jail for not more than ~~1 year~~ 10 days.

(7) This section supersedes and preempts any rule, regulation, code, or ordinance of any

political subdivision or other unit of local government that attempts to regulate the sale or purchase of compounds, mixtures, or preparations containing any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of their optical isomers.""

Insert: "NEW SECTION. **Section 3. Electronic recordkeeping and monitoring system.** (1) The department of justice shall provide for the state's participation in a real-time electronic recordkeeping and monitoring system for the sale of ephedrine or pseudoephedrine. The system must:

(a) be approved by the department of justice and provided at no charge to the state, law enforcement, or participating pharmacies and certified retail establishments;

(b) provide at no charge to participating pharmacies and certified retail establishments appropriate training, 24-hour online support, and a toll-free telephone help line that is staffed 24 hours a day;

(c) be able to communicate in real time with similar systems operated in other states and the District of Columbia and similar systems containing information submitted by more than one state;

(d) comply with information exchange standards adopted by the national information exchange model;

(e) include a stop sales alert that:

(i) provides notification that completion of a sale would result in the purchaser violating the quantity limits set forth in this part;

(ii) includes an override function that may be used by a pharmacy or certified retail establishment under the circumstances set forth in subsection (2); and

(iii) records each instance in which the override function is utilized;

(f) record the following:

(i) the date and time of a transaction;

(ii) the name, address, date of birth, and photo identification number of the purchaser, the type of identification used, and the issuing governmental entity;

(iii) the number of packages purchased, the total number of grams of ephedrine or pseudoephedrine per package, and the name of the compound, mixture, or preparation containing ephedrine or pseudoephedrine; and

(iv) the signature of the purchaser or a unique number connecting the transaction to a paper signature retained at the retail premises;

(g) ensure that submitted data is retained within the system for at least 2 years from the date of submission; and

(h) be accessible by law enforcement.

(2) (a) A pharmacy or certified retail establishment may not complete a sale if the system generates a stop sales alert unless the individual dispensing the ephedrine, pseudoephedrine, or related compound has a reasonable fear of imminent bodily harm if the sale is not completed.

(b) In the event of a mechanical or electronic interruption of the system, the pharmacy or certified retail establishment shall maintain a written log of sales of ephedrine and pseudoephedrine until the system is restored. The information written in the log must be transmitted to the system as soon as practicable after the system is restored.

(3) The following entities may not be required to participate in the electronic system and may not be required to maintain a written log:

(a) licensed manufacturers that manufacture and lawfully distribute products in the channels

of commerce;

(b) wholesalers that lawfully distribute products in the channels of commerce;

(c) inpatient pharmacies of health care facilities licensed in this state;

(d) licensed long-term health care facilities;

(e) government-operated health care clinics, departments, or centers;

(f) physicians who dispense drugs pursuant to state law;

(g) pharmacies located in correctional facilities; and

(h) government-operated or industry-operated medical facilities serving the employees of the state or local or federal government.

(4) The department of justice, a law enforcement agency of the state, or a federal agency conducting a criminal investigation involving the manufacture of methamphetamine consistent with state or federal law may access data, records, and reports regarding the sale of ephedrine or pseudoephedrine. In addition, the information may be accessed if relevant to proceedings in a court, investigatory grand jury, or special grand jury.

(5) All data, records, and reports related to the sale of ephedrine or pseudoephedrine to retail customers and any abstracts of the data, records, and reports that are in the possession of the department of justice pursuant to this section are confidential and exempt from disclosure under Title 2, chapter 6.

(6) An entity operating the system or a pharmacy or certified retail establishment that sells a product containing ephedrine or pseudoephedrine may not use or disclose information collected or contained in the system or a written log for any purpose other than to:

(a) ensure compliance with this section or the federal Combat Methamphetamine Epidemic Act of 2005, Public Law 109-177;

(b) comply with the United States government or its political subdivision for law enforcement purposes under state or federal law; or

(c) facilitate a product recall necessary to protect the public health and safety.

(7) (a) A pharmacy or certified retail establishment that releases in good faith confidential information to federal, state, or local law enforcement or to a person acting on the behalf of law enforcement or that utilizes the system in accordance with this section is immune from civil liability for the release of the information or for acts or omissions in utilizing the system under this section unless the release or the act or omission constitutes gross negligence or intentional, wanton, or willful misconduct.

(b) The civil immunity provisions of subsection (7)(a) do not apply to a person employed by or an entity operated by the state or a political subdivision of the state."

Insert: "NEW SECTION. **Section 4. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 50, chapter 32, part 5, and the provisions of Title 50, chapter 32, part 5, apply to [section 3]."

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective January 1, 2016."

And, as amended, do pass. Report adopted.

SB 216, introduced bill, be amended as follows:

1. Page 2, line 2.
Following: "fraud"
Insert: ", including how to contact the medicaid fraud hotline"

2. Page 7, line 19.
Strike: "may"
Insert: "shall"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/14/2015

SB 50, introduced by J. Fielder
SB 65, introduced by R. Driscoll
SB 117, introduced by B. Tutvedt
SB 164, introduced by B. Hoven

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 2/14/2015

SB 51, introduced by Dick Barrett

House bills passed and transmitted to the Senate for concurrence: 2/14/2015

HB 167, introduced by J. Welborn
HB 262, introduced by K. White
HB 270, introduced by T. Richmond
HB 342, introduced by B. Bennett

House joint resolution passed and transmitted to the Senate for concurrence: 2/14/2015

HJ 8, introduced by F. Garner

MOTIONS

Senator Kaufmann moved that **SB 179** be taken from Judiciary and brought before the Committee of the Whole on Wednesday, February 18, 2015. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator T. Brown moved **SB 328** be re-referred from the Taxation Committee to the Education and Cultural Resources Committee. Without objection, so ordered.

Senator Sands moved that **SB 158** be taken from Business, Labor, and Economic Affairs and brought before the Committee of the Whole on Wednesday, February 18, 2015. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Windy Boy moved that **SB 2** be taken from Business, Labor, and Economic Affairs and brought before the Committee of the Whole on Wednesday, February 18, 2015. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal,

Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Webb moved **SB 316** be re-referred from the Judiciary Committee to the Public Health, Welfare and Safety Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 340, introduced by J. Pomnichowski, referred to Local Government.
SB 341, introduced by J. Pomnichowski, referred to Local Government.
SB 342, introduced by M. Phillips, referred to Agriculture, Livestock and Irrigation.
SB 343, introduced by R. Webb, referred to Energy and Telecommunications.
SB 344, introduced by R. Webb, referred to Finance and Claims.
SB 345, introduced by E. Arntzen, referred to Education and Cultural Resources.
SB 346, introduced by E. Arntzen, referred to Business, Labor, and Economic Affairs.
SB 347, introduced by T. Facey, referred to Business, Labor, and Economic Affairs.
SB 348, introduced by J. Fielder, referred to State Administration.
SB 349, introduced by C. Smith, referred to Public Health, Welfare and Safety.
SB 350, introduced by C. Smith, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 167, introduced by J. Welborn, referred to Fish and Game.
HB 262, introduced by K. White, referred to Taxation.
HB 270, introduced by T. Richmond, C. Vincent, referred to Natural Resources.
HB 342, introduced by B. Bennett, G. Custer, W. McKamey, C. Schreiner, N. Schwaderer, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 8, introduced by F. Garner, B. Brown, S. Fitzpatrick, B. Harris, K. Holmlund, S. Lavin, D. Moore, D. Mortensen, M. Noland, A. Olszewski, V. Ricci, T. Richmond, D. Salomon, B. Tschida, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Malek in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 168 - Senator Buttrey moved consideration of **SB 168** be passed for the day. Without objection, so ordered.

SB 57 - Senator Vincent moved **SB 57** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 170 - Senator Dick Barrett moved **SB 170** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 171 - Senator Tutvedt moved **SB 171** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 33

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 190 - Senator Phillips moved **SB 190** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 33

Nays: Arntzen, Blasdel, Brenden, Hansen, Hinkle, Howard, Kary, Malek, Moore, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 29 - **House Amendments** - Senator T. Brown moved House amendments to **SB 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski,

Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 38 - Senator Blasdel moved **HB 38** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Brenden, Fielder, Hansen, Hinkle, Howard, Smith, Vance.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 103 - Senator D. Brown moved **HB 103** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Brenden, Fielder, Hinkle.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 248 - Senator F. Moore moved **HB 248** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: D. Brown, Caferro, Malek, Sales.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 195 - Senator Swandal moved **HB 195** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 128 - Senator Moe moved **HB 128** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Malek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 46

Nays: Cohenour, Ripley, Whitford, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 37 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 145 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Fielder, Howard, Kaufmann, Keane, Keenan, Rosendale.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 213 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: D. Brown, Ripley, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 226 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 46

Nays: Brenden, Caferro, Kaufmann, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 240 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich,

Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 244 passed as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, Buttrey, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Phillips, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.
Total 29

Nays: Arntzen, Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Kaufmann, Larsen, Malek, McNally, Moe, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 249 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 34

Nays: Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Jones, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Vance, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 255 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator L. Jones moved **SB 171** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the coming week:

Beverly Sitton from Billings, sponsored by Senator Webb
Thresa Skeslien-Jenkins from Billings, sponsored by Senator Webb
Anna Melugin from Missoula, sponsored by Senator Facey
Moriah Inabnit from Bozeman, sponsored by Senator Hinkle
Quincey Frewin from Billings, sponsored by Senator Smith

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, February 17, 2015, the thirty-sixth legislative day. Motion carried.

Senate adjourned at 3:00 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 17, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present; Senator Caferro excused. Quorum present.

BILLS AND JOURNALS 2/17/2015
Correctly printed: **SB 57**, **SB 170**, **SB 190**, **SB 234**, **SB 256**, **SB 340**, **SB 341**, **SB 342**, **SB 343**, **SB 344**, **SB 345**, **SB 346**, **SB 347**, **SB 348**, **SB 349**, **SB 350**, **HB 38**, **HB 53**, **HB 103**, **HB 128**, **HB 248**.
Correctly engrossed: **SB 220**, **SB 252**, **SB 275**, **HB 158**, **HB 195**.
Correctly enrolled: **SB 50**, **SB 59**, **SB 62**, **SB 65**, **SB 117**, **SB 164**.
Examined by the sponsor and found to be correct: **SB 50**, **SB 58**, **SB 59**, **SB 62**, **SB 81**, **SB 117**, **SB 164**.
Transmitted to the House: **SB 37**, **SB 145**, **SB 213**, **SB 226**, **SB 240**, **SB 241**, **SB 244**, **SB 249**, **SB 255**.
Signed by the Secretary of the Senate at 8:35 a.m., February 17, 2015: **SB 58**, **SB 104**.
Signed by the President at 9:00 a.m., February 17, 2015: **SB 58**, **SB 104**.
Signed by the Speaker at 7:15 a.m., February 17, 2015: **SB 16**, **SB 19**, **SB 27**, **SB 46**, **SB 78**.
Signed by the Speaker at 3:20 p.m., February 17, 2015: **SB 58**, **SB 104**.
Delivered to the Governor at 9:15 a.m., February 17, 2015: **SB 16**, **SB 19**, **SB 27**, **SB 46**, **SB 78**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 2/16/2015
SB 252, introduced bill, be amended as follows:

1. Page 1, line 18.
Strike: "2017"
Insert: "2016"

2. Page 3, line 14.
Strike: "received"
Insert: "anticipated"

3. Page 4, line 4.
Following: "trustees."
Insert: "Oil and natural gas production taxes allocated to the district general fund may be applied to the BASE or over-BASE portions of the general fund budget at the discretion of the

trustees."

4. Page 5, line 7.
Strike: "received"
Insert: "anticipated"

5. Page 5, line 27.
Following: "trustees."
Insert: "Oil and natural gas production taxes allocated to the district general fund may be applied to the BASE or over-BASE portions of the general fund budget at the discretion of the trustees."

And, as amended, do pass. Report adopted.

SB 260, do pass. Report adopted.
SB 282, do pass. Report adopted.
HB 158, be amended as follows:

1. Title, page 1, line 9.
Strike: "PROVIDING FOR EXEMPTIONS FOR PERSONAL BELIEFS;"

2. Title, page 1, line 10.
Following: "20-5-403"
Strike: ","
Insert: "AND"
Following: "20-5-404,"
Strike: "AND 20-4-405,"

3. Page 2, line 18 through page 3, line 9.
Strike: section 3 in its entirety

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 2/16/2015
SB 220, introduced bill, be amended as follows:

1. Page 2, line 15 through line 17.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 225, do pass. Report adopted.
SB 235, do pass. Report adopted.
SB 248, do pass. Report adopted.

SB 275, introduced bill, be amended as follows:

1. Page 2, line 1.
Strike: "elected"
Insert: "who must be qualified electors of the district from which they are elected, with each member elected from a separate district of the state"

2. Page 2, line 2.
Following: "board."
Insert: "(c) The seven districts are:
(i) 1st district: Flathead, Lake, Lincoln, Mineral, and Sanders Counties;
(ii) 2nd district: Granite, Missoula, Powell, and Ravalli Counties;
(iii) 3rd district: Beaverhead, Deer Lodge, Madison, and Silver Bow Counties;
(iv) 4th district: Broadwater, Glacier, Jefferson, Lewis and Clark, Pondera, and Teton Counties;
(v) 5th district: Blaine, Cascade, Chouteau, Daniels, Dawson, Fergus, Garfield, Hill, Judith Basin, Liberty, McCone, Meagher, Petroleum, Phillips, Richland, Roosevelt, Sheridan, Toole, Valley, Wheatland, and Wibaux Counties;
(vi) 6th district: Gallatin, Park, and Sweet Grass Counties;
(vii) 7th district: Big Horn, Carbon, Carter, Custer, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, and Yellowstone Counties."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/16/2015

HB 123, introduced by D. Jones
HB 233, introduced by M. Tropila
HB 272, introduced by E. Hill
HB 315, introduced by B. Harris
HB 355, introduced by A. Doane

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 351, introduced by M. Blasdel, referred to Business, Labor, and Economic Affairs.
SB 352, introduced by E. Buttrey, D. Ankney, P. Connell, referred to Judiciary.
SB 353, introduced by R. Ripley, referred to Natural Resources.
SB 354, introduced by R. Ripley, referred to Natural Resources.
SB 355, introduced by D. Ankney, referred to Natural Resources.

SB 356, introduced by J. Fielder, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 19, introduced by T. Brown, referred to Education and Cultural Resources.
SR 20, introduced by T. Brown, referred to Education and Cultural Resources.
SR 21, introduced by T. Brown, referred to Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 123, introduced by D. Jones (by request of the Education and Local Government Interim Committee), referred to State Administration.
HB 233, introduced by M. Tropila, Brodehl, referred to Finance and Claims.
HB 272, introduced by E. Hill, referred to Judiciary.
HB 315, introduced by B. Harris, N. Ballance, G. Bennett, S. Berglee, T. Berry, M. Blasdel, J. Brenden, R. Brodehl, B. Brown, A. Doane, R. Ehli, J. Fielder, F. Garner, C. Glimm, E. Greef, S. Hess, J. Hinkle, K. Holmlund, D. Jones, D. Kary, D. Lamm, M. Lang, S. Laszloffy, S. Lavin, F. Mandeville, T. Manzella, W. McKamey, D. Moore, D. Mortensen, M. Noland, A. Olszewski, R. Osmundson, R. Pinocci, L. Randall, A. Redfield, K. Regier, V. Ricci, T. Richmond, D. Salomon, N. Schwaderer, R. Shaw, C. Smith, S. Staffanson, N. Swandal, J. Taylor, B. Tschida, G. Vance, K. Wagoner, K. White, D. Zolnikov, referred to Judiciary.
HB 355, introduced by A. Doane, referred to Agriculture, Livestock and Irrigation.

Senator Caferro present at this time.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brenden in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 168 - Senator Buttrey moved **SB 168** do pass.

SB 168 - Senator Moe moved **SB 168**, second reading copy, be amended as follows:

1. Page 2, line 8.
Following: "institution"
Insert: ", the faculty shall consider, when consistent with accreditation requirements"

2. Page 2, line 9 through line 15.
Strike: line 9 through line 15 in their entirety

Insert: "(a) assigning as a final grade in the course the student's grade in the course at the time the student was called to active duty, if, in the faculty's judgment, enough of the course requirements have been completed;

(b) assigning an incomplete in the course and extending the period of time in which the student may complete course requirements; or

(c) allowing the student to withdraw from the course and receive financial credit as provided in [section 5]."

3. Page 2, line 21.
Following: "**refund.**"
Insert: "(1) Except as provided in subsection (2):"
Renumber: subsequent subsections as (a) through (d)

4. Page 3.
Following: line 2
Insert: "(2) If the provisions of subsection (1) are inconsistent with the requirements of a financial aid provider, the higher education institution must provide the student with the greatest benefit allowable under the requirements of the provider."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 168 - Senator Buttrey moved **SB 168**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 34 - Senator Facey moved **SB 34** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 68 - Senator Caferro moved **SB 68** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 92 - Senator Thomas moved **SB 92** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 276 - Senator Webb moved **SB 276** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Moore.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 277 - Senator Webb moved **SB 277** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Cohenour, Driscoll, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally,

Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 169 - Senator Hamlett moved **SB 169** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 116 - Senator Hoven moved **SB 116** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Brenden, D. Brown, T. Brown, Fielder, Hinkle, Moore, Ripley, Sales, Smith, Taylor, Tutvedt, Vance, Vincent.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 27 - Senator Arntzen moved **HB 27** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Fielder, Howard, Sales, Smith, Swandal, Vance.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Brenden moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 57 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 170 passed as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Arntzen, Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 190 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 34

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 196 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 29, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 38 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour,

Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Brenden, Fielder, Hansen, Hinkle, Howard, Sales, Smith, Thomas, Vance, Vincent.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 103 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 128 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 195 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 248 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 4 - Senator Tutvedt moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 4**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 6 - Senator Thomas moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 6**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Thomas moved **HB 100** be taken from second reading and re-referred to the Public Health, Welfare and Safety Committee. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator L. Jones moved **SB 116** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Wednesday, February 18, 2015, the thirty-seventh legislative day. Motion carried.

Senate adjourned at 2:10

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 18, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Whitford excused. Quorum present.

BILLS AND JOURNALS 2/18/2015

Correctly printed: **SB 34**, **SB 68**, **SB 92**, **SB 169**, **SB 225**, **SB 235**, **SB 248**, **SB 260**, **SB 276**, **SB 277**, **SB 282**, **SB 351**, **SB 352**, **SB 353**, **SB 354**, **SB 355**, **SB 356**, **SR 19**, **SR 20**, **SR 21**, **HB 27**.
Correctly engrossed: **SB 66**, **SB 79**, **SB 168**, **SB 224**, **SB 232**, **SB 245**, **SB 259**, **SB 280**, **SB 281**, **SJ 12**, **HB 12**, **HB 78**, **HB 206**, **HB 241**.
Correctly enrolled: **SB 6**, **SB 28**, **SB 29**, **SB 32**, **SB 67**, **SB 85**, **SB 95**, **SB 108**, **SB 113**, **SB 163**, **SR 4**, **SR 6**.
Examined by the sponsor and found to be correct: **SB 65**.
Transmitted to the House: **SB 29**, **SB 57**, **SB 170**, **SB 190**, **SB 196**, **HB 38**, **HB 103**, **HB 128**, **HB 195**, **HB 248**.
Signed by the Secretary of the Senate at 10:40 a.m., February 18, 2015: **SB 50**, **SB 59**, **SB 62**, **SB 81**, **SB 117**, **SB 164**.
Delivered to the Governor at 8:56 a.m., February 18, 2015: **SB 58**, **SB 104**.

MOTIONS

Majority Leader Rosendale moved the Senate recess and proceed to the House of Representatives for a joint session to receive an address from Senator Steve Daines and, upon adjournment of the joint session, the Senate reconvene. Motion carried.

Senate in recess.

SPECIAL ORDERS OF THE DAY

The Senate was introduced in the House Chambers. President Barrett assumed the chair.

Majority Leader Rosendale moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving an address from the Honorable Senator from the State of Montana, Steve Daines.

Majority Leader Rosendale moved the President be authorized to appoint a committee of four to notify Senator Daines that the Senate and House of Representatives are in joint session and ready to receive the address. Without objection, the President appointed Senators Taylor and Vuckovich,

and Representatives Burnett and Lynch and charged the committee to escort Senator Daines into the chambers.

President Barrett introduced Senator Daines who gave the following address:

President Barrett, Speaker Knudsen, Senator Sesso and Representative Hunter. Members of the Montana State Senate and State House. Governor Bullock and our other statewide elected officials here today.

I'm honored to be here today, and grateful for this opportunity to speak with all of you. I remember the last time I was standing in this spot as your newly elected Congressman. Well, it's been two years and here I am again speaking to you as a freshman.

It is an incredible honor to represent Montana in the United States Senate. And it continues to be a great privilege to work with all of you -- our legislators and statewide officials -- to serve the people of Montana. As a citizen legislature, you put your lives and your small businesses on hold, and come to Helena to serve. And not to serve yourselves -- to serve your neighbors, your communities. The people of Montana.

Now, I know that you won't all agree on everything 100% of the time. But we are united by a desire to serve the people of Montana and work for solutions that move our state forward.

Montanans don't want to see an "R" or a "D" behind their elected officials' names -- they want to see "MT." Because we weren't elected to serve a political party. We were elected to serve the people of Montana. That's something that as citizen legislators, you understand well. Unfortunately, Washington still doesn't get it.

Washington is more concerned with its own self-interest and self-gain than the well-being of the American people. That's why the first bill I introduced in the Senate, just last week, was the Balanced Budget Accountability Act, which mandates that Congress balance the budget or members won't get paid.

It's a charge I led in the House, and I'll continue fighting in the Senate. It's time that Washington is held accountable to the American people. Montana families, Montana small business, the Montana State Legislature, all have to balance their budgets. It's time that Washington D.C. takes a page out of Montana's playbook and balances its budget.

Our national debt crisis is a prime example of how broken Washington is. The non-partisan Congressional Budget Office recently reported that if the federal government remains on its current path, our national debt will rise from $18 trillion to more than $25 trillion in 10 years. Over the next ten years, we'll pay $5.6 trillion in interest alone. That's enough to pay for Montana's current annual budget for the next 2500 years.

Our country is on an unsustainable fiscal path that is headed toward bankruptcy. That is why I urge you, as our state's leaders, to set forward a path for Montana that is founded upon Montana-driven

solutions and Montana-driven success. We must be wary of increasing our dependence on Washington and a federal government that is accruing debt at an unprecedented rate.

That's why Montana's destiny must be determined by Montanans, not the federal government. After all, in Washington, D.C. we have but three Montana voices -- Jon, Ryan and me -- among 535. It's better when 100 Montana State Representatives and 50 Montana State Senators, a Montana Governor, and a Montana Attorney General take the lead on issues that directly impact the future of Montana versus the U.S. Senate, the House, President Obama and Eric Holder.

We all know that Montana is a great place to live, to recreate, to raise a family. So why isn't it a better place to work? Why is it that from year to year, Montana consistently ranks near the bottom in median income? Why is it that 4 out of 5 of our engineering graduates leave Montana to find work? We should be exporting our wheat and cattle, not our kids. Why is it that our once thriving timber industry has all but come to a halt?

Montana is the best state in the union. But better is possible. I'm convinced that the best solutions and the best policies for Montana aren't going to come from some bureaucrats or career politicians 2,000 miles away in Washington, D.C. They're going to come from Montanans, from local legislators like you, from Montana small business owners, and from Montana families.

Let me tell you -- Washington is the problem. Montana has the solutions. So why, when we look to solve the problems facing our state, would we look to DC for the answers?

To prove how out-of-touch Washington, D.C. is, Montanans need to look no further than to the EPA. From trying to regulate dry ditches and puddles, to writing yet another rule to cripple our coal industry, the EPA is doing everything it can to make life worse for hardworking Montana farmers and ranchers, our union members, our families, and our tribes.

The Crow Reservation is home to some of the richest coal deposits in Montana. The Crow people want to have control of their resources, control of their destiny. Yet a misguided Washington, D.C. agenda prevents them from doing so.

President Obama is waging a war on coal that is a direct threat to affordable energy, to good-paying jobs, and to the economic future of Montana's tribes. While serving in the House, I invited Crow Chairman Darrin Old Coyote to testify before the Natural Resources Committee. And what he said has stayed with me, and sadly proven time and time again to be true.

He said "A war on coal is a war on the Crow people."

Unemployment on the Crow Reservation is around 50%. As Chairman Old Coyote has told me, without those good-paying jobs in the Absaloka Mine or at Colstrip Power Plant, unemployment would be closer to 90%.

The EPA and its latest regulations are a direct threat to the Crow Tribe's economic future. It's a threat to the more than 4,000 good-paying jobs in our coal mines and Colstrip Power Plant. It's a threat to the tens of millions of dollars in tax revenue that you as legislators depend upon to fund

government services.

But that's not the only place where we've seen Washington's war against hard-working Montanans. Last month, the House and Senate both passed legislation approving construction of the Keystone XL pipeline. All three of your federal representatives -- Senator Tester, Congressman Zinke, and I -- voted in support of the pipeline.

Next week, after six years of waiting on the President to make a decision, the Keystone bill will head to his desk, where he'll finally have to make a yes or no decision. All signs indicate he plans to veto it.

Last night, I was talking with Rion Miles, the business manager for Operating Engineers Local 400. The Keystone XL pipeline will create 300 good-paying jobs for his union members in Montana alone. And like most Montanans, Rion doesn't understand why the President is standing in the way of those good-paying union jobs.

Well, I have a message from the people of Montana. Mr. President, it's time to stop debating, and it's time to start building the Keystone Pipeline.

The Keystone pipeline isn't just a pipeline for oil. It's a lifeline for thousands of Montana families who are looking for something -- anything -- to bring back economic hope in their communities.

McCone County is one of six Montana counties that the Keystone XL pipeline will run through. Circle, the McCone county seat, has experienced the same economic and population declines that many northeastern Montana towns have faced in recent years. Families have moved away. Businesses have closed. Main Street isn't the same as it was even a decade or two ago. McCone County has significant infrastructure needs that have gone unresolved in the wake of a shrinking tax base.

For towns like Circle, the Keystone XL pipeline isn't just about energy. It represents economic opportunity and hope for the future. In just the first year of Keystone's operation, McCone County alone would see $18 million in property tax revenues. That's money for schools and roads and teacher salaries. That's economic opportunity and hundreds of new jobs in the area.

And it's not just McCone County that will benefit. The Montana Department of Revenue estimates that another $45 million per year would be distributed among Valley, Dawson, Phillips, Fallon and Prairie Counties which also lie along the pipeline's path. And more than $16 million per year would go directly to Montana's schools and university systems.

But that's not all. Not too long ago, I was up in Glasgow visiting with the folks at NorVal Electric Co-op. NorVal, along with several other rural Montana electric cooperatives, will supply power for one of the Keystone XL pipeline's pump stations.

If the pipeline is built, NorVal estimates that they can keep their consumers' electric rates flat for the next ten years. For thousands of Montana families living paycheck-to-paycheck, stable energy rates for a decade would be one less thing they'd have to worry about. But if the pipeline is not

approved, rates for those same hard-working families will increase by 40 percent over the same time period. That's a potential increase of about $480 dollars per year for the average household in Montana.

Why then does Washington continue to put barrier after barrier up to prevent job creation? Why does the EPA continue to impose regulation after regulation that will prevent one of the few bright spots in our economy -- our energy industry -- from growing?

We need Montana-driven policies that empower our farmers and ranchers and encourage the growth of jobs in our coal mines and sawmills and on our oil fields. Washington is the problem - Montana has the solutions.

But the federal government's mismanagement of our resources isn't just isolated to our coal reserves. We see it in our National Forests and our public lands. Our public lands are a tremendous asset to our tourism economy and our way of life. It's one of the reasons that many people come to Montana in the first place.

At RightNow Technologies, where we created hundreds of Montana jobs with salaries averaging over $70,000 per year our recruiting slogan was "work where you also like to play."

I grew up in Bozeman, hunting and fishing on our public lands. I backpacked all over the Spanish Peaks, the Beartooths, the Crazies… and climbed Montana's highest point, Granite Peak. In fact, I proposed to my wife, Cindy, on Hyalite Peak south of Bozeman nearly 30 years ago

Our public lands are an important part of my way of life -- just like most Montanans. But the federal government's perpetual failure to properly manage our National Forests has led many of Montana's forested counties into economic despair.

Our state once boasted a robust timber industry. Our forests were healthy and maintained. Thousands of Montanans had good-paying jobs in our mills. But over the past few decades, things have dramatically changed.

Timber harvests in Montana's National Forests have declined 82%. We've lost more than 4,000 high-paying jobs in our once thriving timber industry. New federal laws made it easier for fringe groups to shut down resource development with lawsuit after lawsuit. And a flood of new regulations have made it too costly or too complicated to move forward with resource development even if the lawsuits were settled.

Look no further than Pyramid Lumber in Seeley Lake, which is running at just two-thirds capacity because they can't find logs. Or RY Lumber in Livingston and Tricon Timber in St. Regis -- these mills are surrounded by dense forests on all sides. Yet they both have to purchase logs 500 miles away in Wyoming. Or look at Stoltze Lumber in Columbia Falls. I was just up there yesterday, talking with mill workers. In recent months, the mill has cut back production by 20 hours a week and 10 employees have been laid off. All because persistent litigation has reduced log supply and tied up timber sales throughout Montana.

A while back, I was visiting with a couple from Eureka and asked them how it was all going. They said: "Steve, what we have in Lincoln County is poverty with a view."

Lincoln and Sanders counties boast natural beauty that is hard to match. Dense forests, rugged peaks, pristine streams. These are the qualities that many think of when they look at western Montana. But as far too many families in Libby and Plains and Eureka and Thompson Falls know, a great view on its own can't pay the bills. These are communities that once had thriving resource industries. Mills were running at full capacity and miners were hard at work. The situation today is much different.

More than 81% of Sanders County and 78% of Lincoln County is made up of federally owned land. When your largest landowner in the county doesn't pay taxes and doesn't provide economic opportunities on its land, the revenue base is pretty limited. It's hardly a coincidence that these same counties with the highest percentage of federal lands have the lowest median incomes in Montana.

Last year, the New York Times did an assessment of the "health and wealth" of every county in the nation. You might expect folks in Silicon Valley to be doing fairly well. Or see New York City suburbs thriving. What shocked me was seeing that six of the nation's top ten wealthiest counties surround Washington, D.C. This sends a pretty clear message about where Washington's priorities really are.

During the recession, while millions of Americans were struggling to make ends meet amidst layoffs and economic instability, Washington, D.C. thrived. The federal government poured millions of dollars into new buildings. And salaries kept growing and growing. The average federal bureaucrat in the Department of Education in Washington, D.C. makes $107,000 a year. It's time we stop building bureaucratic D.C. kingdoms, and return those dollars back to the classrooms.

We see a similar trend here in Montana. When looking at median income, two of the top three counties in Montana are Jefferson County and Lewis and Clark County -- in short, Helena. Our capitol. Now, I'm happy to see folks in all corners of our state succeeding and being able to provide for their families. But what kind of message does it send when the seat of Montana's government is thriving while families in northwestern Montana can't find work?

Our public lands and our National Forests are some of Montana's greatest treasures. But we have to implement meaningful forest management reform that gets our timber industry up and running again, improves the health of our forests, and ensures that places like Sanders and Lincoln counties aren't dependent on the whims of the federal government's annual budget.

These are serious challenges that I hear about every single day. Montanans are worried. I know that when we look at the big numbers, things seem to be okay in Montana. Our state unemployment rate is down. Our graduation rates are up. These are good things.

But when you leave Helena, and talk with folks in Libby, or Plains, or Thompson Falls, those numbers aren't all that encouraging. Sanders County ranks at the bottom in median income. Lincoln County has the highest unemployment in our state. We can't rely on Washington, D.C. to

come up with the solution.

But here in Montana, we also see the opportunities when Montanans are empowered to develop our natural resources. You remember that Jefferson County ranked number one in median income, and Lewis and Clark County ranked number three. Number two is Richland County -- the heart of Montana's oil production.

Think of our opportunities if the federal government stepped back and allowed Montanans to develop their resources -- to responsibly manage their forests and mine their coal. Let Montanans have a greater say in the management of our public lands, not Washington D.C.

And yes, we must keep our public lands public. We must stand firm against any efforts to sell our public lands. But we also must remind folks back East that these lands belong to the public. They belong to the people not to federal bureaucrats in Washington, D.C. or trial lawyers in San Francisco. Washington is the problem. Montana has the solutions, and there are great opportunities for our state if Montanans are leading the way.

Look no further than our number one industry, agriculture. Montana feeds the world. Our cattle and wheat are two of our biggest exports. Our sugar beets in Sidney and along the Yellowstone River produce the sugar that keeps trick or treaters happy at Halloween. When you drink a Bud Light, or a local Montana microbrew, odds are that you're drinking Montana barley. We need to increase opportunities for our producers to succeed and create good-paying jobs, not allow more barriers from the EPA hold them back.

We need a free and fair trade system that opens markets for Montana farmers and ranchers. We need to support new export terminals so that our producers can get their grain and cattle to market.

We also have tremendous opportunities to develop our state's energy resources and create new jobs in our eastern-Montana communities. In recent months, we've seen the price of gas drop below $2 a gallon, thanks to more made-in-America energy. That works out to be a $750 per year savings for the average American household. That's a good thing. But rather than hitting pause on our energy production, we need to encourage it.

More made-in-Montana energy doesn't just mean more money in your pocket when you head to the gas pump or look at your electric bill. It also means more jobs. Our state is a true model of an "all-of-the-above" energy plan. We are blessed with abundant resources: coal, oil, natural gas, water, wind, solar. By responsibly developing all of our energy resources, Montana can help our nation achieve energy independence.

Our energy security, though, isn't just about jobs and low energy prices. It's directly tied to our national security. From the serious threat of ISIS in the Middle East, to Russian aggression in eastern Europe, we're reminded that many of these regions filled with turmoil also supply much of the world's oil and natural gas. The U.S. will become the world's largest oil producer this year surpassing Russia and Saudi Arabia. We need more made-in-America energy, not more made in the Middle East oil.

These threats also affirm the importance of maintaining our strong nuclear deterrence -- a critical mission that is based in Montana's own Malmstrom Air Force Base. Not a day should go by when we aren't thanking the men and women at Malmstrom for their service and their important role in keeping our nation, and our world, safe.

On a daily basis, we are reminded of the growing threat of a nuclear Iran or North Korea. We see the mounting threats of radical Islamic terrorism with ISIS in Iraq and Syria, Boko Haram in Nigeria and the Houthis in Yemen. President Obama's efforts to undermine the strength of Malmstrom's mission are shortsighted and misguided, especially in today's increasingly dangerous world.

I have heard from detractors who've said we've never had to use our nuclear mission so maintaining its full strength isn't necessary. Well, I have a message for those who seek to weaken our ICBM mission: those missiles are used each and every day. We maintain peace through strength. We cannot underestimate the importance of maintaining that strength as we strive to secure our homeland from threats abroad.

Like you, I'm grateful I get to call Montana home. I've always said one of the best decisions I ever made is when I picked my great-great grandmother, who homesteaded east of Conrad, and got our family to Montana.

Montana offers an unmatched quality of life that no other state can compete with. Montana offers a workforce that is unmatched with a strong work ethic that is passed on from generation to generation.

And now with technology, we can grow more good-paying jobs that allow Montanans to stay in the state we love. That's because technology has removed geography as a constraint. We can build world-class businesses in Montana.

I saw this when I worked at RightNow Technologies in my hometown of Bozeman. And as I've traveled the state I've seen the impact that technology has had on dozens of small Montana businesses. From Blue Marble Biomaterials in Missoula, to Resodyn in Butte, to Proof Research in Columbia Falls -- Montana is becoming a hub of innovation and technological success.

A study released just yesterday by the University of Montana Bureau of Business and Economic Research showed that Montana's high-tech jobs are growing 8 to 10 times faster than Montana's statewide job growth rate. More, these jobs average wages of more than twice the median statewide income. And in fact last year, 40% of the wage growth in Montana occurred in Gallatin County alone -- a hub of high tech growth for Montana.

We must encourage the growth of high-tech jobs in Montana. These are good-paying jobs that will not only allow our state to grow economically, it will ensure that the kids we're training at our universities and colleges can stay in Montana.

That's why we must stand united against Washington, D.C.'s attempts to tax the Internet, limit innovation, and put more senseless regulations on Montana-based small businesses (like Blackfoot Communications) who are working to expand and improve Internet access. The Internet is a

laboratory of innovation for Montana small businesses. Yet Washington, D.C. wants to tie our entrepreneurs' hands by forcing them to collect internet sales taxes for 9600 different tax jurisdictions rather than focusing their time and energy on growing their business and creating jobs.

Whether it's an Internet sales tax, or a tax on the Internet itself, one thing is clear -- Washington, D.C. is always looking for one more thing to tax. I think I can speak for all Montanans when I say "not on our watch."

We also cannot underestimate the importance of encouraging our students' interests in Science, Math, Engineering and Technology. Increasing educational opportunity in Montana, though, isn't going to happen through another federal mandate or a one-size-fits-all regulation. We need to empower our state, our local school boards, our teachers and parents to work together to develop solutions that best fit our kids' unique needs.

Working together, we can find solutions that work for Montana. We can grow our economy and create opportunities for more timber, energy and technology jobs. We can protect access to our public lands and ensure they remain healthy and open for future generations. Washington is the problem -- and we have the solutions here in Montana.

We really do live in the greatest state in the country. It truly is the last best place. We know it's the best place to live. Let's make it an even better place to work. Thank you, and God Bless.

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Majority Leader Rosendale moved the joint session be adjourned. Motion carried. The joint session adjourned at 1:52 p.m.

Senate reconvened at 1:55 p.m.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 2/17/2015
SB 232, introduced bill, be amended as follows:

1. Page 2, line 16.
Strike: "and that constitute recreational use"

And, as amended, do pass. Report adopted.

HB 206, be amended as follows:

1. Page 1, line 27.
Following: "~~Helena~~"
Insert: "in Montana"

And, as amended, be concurred in. Report adopted.

HB 265, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/17/2015
SB 66, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "CONTROL ACT;"
Strike: "DEFINING "ELECTRONIC SMOKING DEVICE";"

2. Title, page 1, line 7.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 16-11-122,"

3. Title, page 1, line 7.
Following: "16-11-302,"
Insert: "16-11-303, 16-11-304, 16-11-305, 16-11-306, 16-11-308, 16-11-309, 16-11-310, AND 45-5-637,"

4. Title, page 1, line 7.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

5. Page 1, line 10.
Following: line 9
Insert: "Section 1. Section 16-11-122, MCA, is amended to read:

"16-11-122. License fees -- renewal. (1) Each application for a wholesaler's license or a tobacco product vendor's license must be accompanied by a fee of $50.

(2) Each application for a subjobber's license must be accompanied by a fee of $50.

(3) Each application for a retailer's license must be accompanied by a fee of $5.

(4) Each application for a license to sell either alternative nicotine products or vapor products must be accompanied by a fee of $5.

~~(4)~~(5) The fees for the licenses in subsections (2) and (3) may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party.

~~(5)~~(6) These licenses must be renewed annually on or before the anniversary date established by rule by the board of review established in 30-16-302 and upon payment of the annual fee are effective for 1 year, without proration, and are not transferable.""
Renumber: subsequent sections

6. Page 1, line 14.
Following: line 13
Insert: "(1) “Alternative nicotine product” means any manufactured noncombustible product containing nicotine derived from tobacco that is intended for human consumption, whether

chewed, absorbed, dissolved, or ingested by any other means. The term does not include a tobacco product, a vapor product, or a product regulated as a drug or device by the United States food and drug administration under Chapter V of the Federal Food, Drug, and Cosmetic Act."

Renumber: subsequent subsections

7. Page 1, line 19 through line 25.
Strike: subsection (2) in its entirety

8. Page 2, line 4.
Strike: "or nicotine that can be ingested into the body by chewing, absorbing, dissolving, or any other means"

9. Page 2, line 5.
Following: "cigars,"
Strike: "an electronic smoking device,"

10. Page 2, line 5 through 7.
Following: "smokeless tobacco."
Strike: remainder of line 5 through "Act." line 7
Insert: "The term does not include an alternative nicotine product, a vapor product, or a product regulated as a drug or device by the United States food and drug administration under Chapter V of the Federal Food, Drug, and Cosmetic Act."

11. Page 2, line 8.
Insert: "(7) “Vapor product” means a noncombustible product that may contain nicotine and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term does not include a product regulated as a drug or device by the United States food and drug administration under Chapter V of the Federal Food, Drug, and Cosmetic Act."

Insert: "Section 3. Section 16-11-303, MCA, is amended to read:

"16-11-303. License for retail sale of tobacco products -- alternative nicotine products -- vapor products. (1) A person may not sell tobacco products, alternative nicotine products, or vapor products at retail, whether over the counter, by vending machine, or otherwise, without a license obtained from the department of revenue.

(2) A license for the retail sale of tobacco products, alternative nicotine products, or vapor products may be obtained from the department of revenue.

(3) The fee collected by the department must be deposited in the general fund.""

Insert: "Section 4. Section 16-11-304, MCA, is amended to read:

"16-11-304. Signs. A retail seller of tobacco products, alternative nicotine products, or vapor products shall conspicuously display, at each place on the premises at which tobacco products, alternative nicotine products, or vapor products are displayed and sold, a sign that is to be provided without charge by the department of revenue that states: "Montana law prohibits the sale of tobacco products, alternative nicotine products, and vapor products to persons under 18 years of age."""

Insert: "Section 5. Section 16-11-305, MCA, is amended to read:

"16-11-305. Sale or distribution of tobacco products, alternative nicotine products, or vapor products to persons under 18 years of age prohibited. (1) A person may not sell or distribute a tobacco product, alternative nicotine product, or vapor product to an individual under 18 years of age, whether over the counter, by vending machine, or otherwise.

(2) If there is a reasonable doubt as to the individual's age, the seller shall require presentation of a driver's license or other generally accepted identification that includes a picture of the individual.""

Insert: "Section 6. Section 16-11-306, MCA, is amended to read:

"16-11-306. Sales of tobacco, alternative nicotine products, or vapor products through vending machines restricted. (1) Tobacco products, alternative nicotine products, and vapor products may be sold through a vending machine only in places where alcoholic beverages are sold and consumed on the premises and where the vending machine is under the direct line-of-sight supervision of the owner or an employee of the establishment. The tobacco products, alternative nicotine products, or vapor products must be in a vending machine that contains only tobacco products, alternative nicotine products, or vapor products.

(2) Tobacco products, alternative nicotine products, or vapor products may not be sold through a vending machine that is located in a restaurant unless the restaurant has a bar, the restaurant area shares seating with the bar area, and the vending machine meets the requirements of subsection (1).

(3) The sale of tobacco products, alternative nicotine products, or vapor products from a vending machine under the direct line-of-sight supervision of an owner or employee is considered a sale of tobacco products, alternative nicotine products, or vapor products by the owner or employee for the purposes of 16-11-305.""

Insert: "Section 7. Section 16-11-308, MCA, is amended to read:

"16-11-308. Civil penalties -- license suspension -- tobacco education fee. (1) Failure to obtain a license, as required by 16-11-303, failure to post signs, as provided in 16-11-304, or the manufacture or sale of cigarettes or rolling tobacco in violation of the minimum package size requirements of 16-11-111 or 16-11-307 is punishable by a civil penalty of $100. The department may collect the penalty in the manner provided for the collection of other debts.

(2) A person who violates 16-11-305(1) or 16-11-307(1) at any one location within a 3-year period shall be punished as follows:

(a) A first through third offense is punishable by a verbal notification of violation.

(b) A fourth offense is punishable by a written notice of violation to be sent by the department of public health and human services to the owner of the establishment.

(c) A fifth offense is punishable by assessment against the owner of the establishment of a tobacco education fee of $500. The employee or other person who sold the tobacco product, alternative nicotine product, or vapor product, the establishment manager, and the establishment owner, if the owner is a sole proprietor or partner, shall read and view the tobacco education material.

(d) A sixth offense under 16-11-305(1) or 16-11-307(1) or a third offense under 16-11-307(2) is punishable by suspension of the licenses required by 16-11-120 and 16-11-303 for 3 months.

(e) A seventh and subsequent offense under 16-11-305(1) or 16-11-307(1) or a fourth and subsequent offense under 16-11-307(2) is punishable by suspension of the licenses required by 16-11-120 and 16-11-303 for 1 year.

(3) After 2 years from the first violation, if a person has not received notice of any further violations, a second violation is considered a first violation for the purposes of subsection (2).

(4) A license may not be reissued after suspension under subsection (2)(d) or (2)(e) unless tobacco education fees or civil penalties are paid in full.

(5) Tobacco education fees must be assessed and collected by the department of public health and human services. Notice of an assessment pursuant to subsection (2) and this subsection must be made by the department of public health and human services within 30 days of the alleged violation by certified letter addressed to the establishment owner or manager. The notice of assessment against the owner of the establishment must provide an opportunity for a hearing. The hearing may be conducted using electronic equipment and must comply with the provisions of the Montana Administrative Procedure Act. Within 30 days from the date on which the notice of assessment was mailed, the owner or manager shall notify the department of public health and human services that the owner or manager objects to the assessment and request a hearing pursuant to this subsection.

(6) In addition to the penalty provided for in subsection (2), a first and subsequent violation of 16-11-305(1) or 16-11-307(1) is punishable by an assessment of a tobacco education fee of $25 against the employee who sold the tobacco product, alternative nicotine product, or vapor product, if the employee is not the owner of the establishment. The tobacco education fee must be assessed and collected by the department of public health and human services. Within 30 days of the alleged violation, notice of assessment pursuant to this subsection must be made by the department of public health and human services by certified letter addressed to the employee. The notice of assessment must provide an opportunity for a hearing. The hearing may be conducted using electronic equipment and must comply with the provisions of the Montana Administrative Procedure Act. Within 30 days from the date on which the notice of assessment was mailed, the employee shall notify the department of public health and human services that the employee objects to the assessment and requests a hearing pursuant to this subsection.

(7) The tobacco education material referred to in this section must be provided by the department of public health and human services in the form of written and video self-teaching materials. The education materials may be used only for the purposes provided in this section. Upon completion of the self-teaching materials, the establishment owner or manager shall execute a written statement on a form provided by the department of public health and human services verifying that the employee, owner, or manager, as appropriate, has read and viewed the self-teaching material and shall return the statement and the self-teaching video to the department of public health and human services.

(8) Upon the sixth and subsequent violation of this section, the department of public health

and human services shall notify the department of revenue in writing to initiate suspension of the licenses required by 16-11-120 and 16-11-303 and shall notify the licensee in writing of the alleged violation and of the referral of the licensee's record of violations to the department of revenue for suspension of the licenses pursuant to 16-11-144 and this section. The department of revenue shall review the record of violations and may initiate license suspension proceedings in accordance with 16-11-144. If, upon a review of the record of violations, the department of revenue declines to initiate suspension proceedings, the violation may not be charged against the licensee for the purposes of this section.

(9) Fees assessed pursuant to this section must be deposited in the state general fund.""

Insert: "Section 8. Section 16-11-309, MCA, is amended to read:

"16-11-309. Inspection and notification of violation required. (1) The department of public health and human services shall conduct inspections of persons selling or distributing tobacco products, alternative nicotine products, or vapor products to determine compliance with 16-11-303, 16-11-304, 16-11-305(1), 16-11-306, and 16-11-307. Inspections may be conducted directly by the department of public health and human services or may be provided for by contract let by the department of public health and human services. Persons found to be in violation of the requirements of this part or the rules of the department of public health and human services a fourth and subsequent time must be notified in writing by the department of public health and human services of the facts of the violation and the penalties provided by this part.

(2) The department of public health and human services shall provide documentation of alleged violations of 16-11-303, 16-11-305, and 16-11-307 to the department of revenue.""

Insert: "Section 9. Section 16-11-310, MCA, is amended to read:

"16-11-310. Minors not liable for possession or attempt to purchase. An individual under 18 years of age assisting in the enforcement of this part is not liable under a civil or criminal law for the possession of or the attempt to purchase a tobacco product, alternative nicotine product, or vapor product for the purposes of enforcing this part.""

Insert: "Section 10. Section 45-5-637, MCA, is amended to read:

"45-5-637. ~~Tobacco possession~~ Possession or consumption of tobacco products, alternative nicotine products, or vapor products by persons under 18 years of age prohibited -- unlawful attempt to purchase -- penalties. (1) A person under 18 years of age who knowingly possesses or consumes a tobacco product, alternative nicotine product, or vapor product, as defined in 16-11-302, commits the offense of possession or consumption of a tobacco product, alternative nicotine product, or vapor product.

(2) A person convicted of possession or consumption of a tobacco product, alternative nicotine product, or vapor product:

(a) shall be fined $50 for a first offense, no less than $75 or more than $100 for a second offense, and no less than $100 or more than $250 for a third or subsequent offense; or

(b) may be adjudicated on a petition alleging the person to be a youth in need of intervention under the provisions of the Montana Youth Court Act provided for in Title 41, chapter 5.

(3) A person convicted of possession or consumption of a tobacco product, alternative nicotine product, or vapor product may also be required to perform community service or to attend

a tobacco cessation program.

(4) A person under 18 years of age commits the offense of attempt to purchase a tobacco product, alternative nicotine product, or vapor product if the person knowingly attempts to purchase a tobacco product, alternative nicotine product, or vapor product as defined in 16-11-302. A person convicted of attempt to purchase a tobacco product, alternative nicotine product, or vapor product:

(a) for a first offense, shall be fined $50 and may be ordered to perform community service;

(b) for a second or subsequent offense, shall be fined an amount not to exceed $100 and may be ordered to perform community service.

(5) The fines collected under subsections (2) and (4) must be deposited to the credit of the general fund of the local government that employs the arresting officer, or if the arresting officer is an officer of the highway patrol, the fines must be credited to the county general fund in the county in which the arrest was made.""

Renumber: subsequent sections

12. Page 2, line 9.
Strike: "on passage and approval"
Insert: "January 1, 2016"

And, as amended, do pass. Report adopted.

SB 259, introduced bill, be amended as follows:

1. Page 2, line 17.
Strike: "5%"
Insert: "4%"

And, as amended, do pass. Report adopted.

SB 280, introduced bill, be amended as follows:

1. Page 1, line 24.
Insert: "(3) This section does not affect remedies available under Title 30, chapter 14."

And, as amended, do pass. Report adopted.

SB 281, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "EXEMPT A REGULATED LENDER AND"

2. Title, page 1, line 5 through line 6.
Strike: "SECTIONS 30-14-102 AND"
Insert: "SECTION"

3. Page 1, line 10 through page 2, line 14.

Strike: section 1 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 78, be amended as follows:

1. Page 3, line 6.
Following: "favorable rate tier,"
Strike: "deny a claim, or"

2. Page 3, line 7.
Following: "provide a benefit"
Insert: ", or deny a claim"

And, as amended, be concurred in. Report adopted.

HB 126, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/18/2015
SB 79, introduced bill, be amended as follows:

1. Title, page 1, lines 5 through 6.
Following: "CLARIFYING THE"
Strike: "MEANING" on line 5 through "COSTS"" on line 6
Insert: "FUNDING REQUIREMENTS"

2. Title, page 1, line 6.
Following: "LICENSING"
Insert: "BOARDS"

3. Title, page 1, line 7.
Strike: "ALLOWING" on through "DEPARTMENT COSTS;" on line 7

4. Title, page 1, line 8.
Strike: ", 37-72-202" through "50-76-104,"

5. Page 1, line 13 through page 3, line 16.
Strike: section 1 through section 5 in their entirety
Insert: "Section 1. Section 37-1-134, MCA, is amended to read:

"37-1-134. ~~Fees commensurate with costs~~ <u>Boards -- costs</u>. ~~Each board allocated to the department shall set board fees related to the respective program area that are commensurate with costs for licensing, including fees for initial licensing, reciprocity, renewals, applications, inspections, and audits. A board may set an examination fee that must be commensurate with costs. A board that issues endorsements and licenses specialties shall set respective fees~~

~~commensurate with costs.~~ (1) Each board allocated to the department shall set board fees related to its program area that provide the amount of money usually needed for the operation of the board for services, including but not limited to licensing, reciprocity, renewals, applications, inspections, investigations, compliance, discipline, and audits. The amount needed for the operation of the board is based on the license renewal years as set by the board. In setting the fees, the board must consider the revenues and expenses incurred in the prior 5 licensing renewal years, but a board's cash balances must not exceed two times the board's annual appropriation level. Unless otherwise provided by law, the department may establish standardized administrative fees commensurate with costs.~~, including~~ These fees may include but are not limited to fees for administrative services such as license verification, duplicate licenses, late penalty renewals, licensee lists, and other administrative service fees determined by the department as applicable to all boards and department programs. The department shall collect ~~administrative~~ fees on behalf of each board or department program and deposit the fees in the state special revenue fund in the appropriate account for each board or department program. Administrative service costs not related to a specific board or program area may be equitably distributed to board or program areas as determined by the department. Each board and department program shall maintain records sufficient to support the fees charged for each program area.

(2) The department and the boards shall adopt rules regarding all fees.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 288, do pass. Report adopted.
HB 50, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 2/17/2015
SB 327, do pass. Report adopted.
SJ 12, introduced joint resolution, be amended as follows:

1. Page 1, line 10.
Strike: "whether" through "systems,"

2. Page 1, line 11.
Following: "customers"
Strike: ","

3. Page 1, line 29.
Strike: "must"
Insert: "may"

And, as amended, be adopted. Report adopted.

FISH AND GAME (Brenden, Chair): 2/17/2015
SB 245, do pass. Report adopted.
SB 284, do pass. Report adopted.

HB 212, be concurred in. Report adopted.
HB 250, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 2/17/2015
SB 296, do pass. Report adopted.
HB 61, be concurred in. Report adopted.
HB 83, be concurred in. Report adopted.
HB 98, be concurred in. Report adopted.
HB 132, be concurred in. Report adopted.
HB 241, be amended as follows:

1. Page 2, line 29.
Following: "call"
Insert: "or operated in another official capacity"

And, as amended, be concurred in. Report adopted.

HB 246, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 2/17/2015
SB 224, introduced bill, be amended as follows:

1. Page 1, line 19.
Strike: "two"
Insert: "one"
Strike: "judges"
Insert: "judge"

2. Page 1, line 24.
Strike: subsection (iii) in its entirety
Renumber: subsequent subsections

3. Page 1, line 25.
Following: "sheriff"
Insert: "or chief of police"

4. Page 1, line 26 through line 27.
Strike: subsection (v) through subsection (vi) in their entirety
Renumber: subsequent subsections

5. Page 1, line 30.
Strike: "seven"
Insert: "two"
Strike: "including"

Insert: "to be selected from the following list"

6. Page 2, line 11.
Following: line 11
Insert: "(6) Decisions of the commission must be made by majority vote of the commission members."

And, as amended, do pass. Report adopted.

HB 12, be amended as follows:

1. Page 1, line 10 through page 3, line 12.
Strike: everything after the enacting clause
Insert: "Section 1. Section 40-4-108, MCA, is amended to read:

"40-4-108. Decree. (1) A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal. An appeal from the decree of dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree that dissolves the marriage beyond the time for appealing from that provision, and either of the parties may remarry pending appeal.

(2) No earlier than 6 months after entry of a decree of legal separation, the court on motion of either party shall convert the decree to a decree of dissolution of marriage.

(3) The clerk of the court shall give notice of the entry of a decree of dissolution:

(a) if the marriage is registered in this state, to the clerk of the district court of the county where the marriage is registered, who shall enter the fact of dissolution in the book in which the marriage license and certificate are recorded; or

(b) if the marriage is registered in another jurisdiction, to the appropriate official of that jurisdiction, with the request that the official enter the fact of dissolution in the appropriate record.

(4) (a) The parties to a dissolution or legal separation may request entry of a decree of dissolution or legal separation without a hearing by filing joint or individual affidavits with the court.

(b) The court may enter a decree of dissolution or legal separation without a hearing when:

(i) the affidavit sets forth a prima facie case that the parties have reached a voluntary resolution of all matters related to the dissolution or legal separation and consent to entry of the decree by affidavit in lieu of a hearing; and

(ii) it appears to the court that:

(A) the jurisdictional requirements of 40-4-104 exist;

(B) the parties have complied with the financial disclosure provisions of 40-4-252 through 40-4-254 or 40-4-257;

(C) a separation agreement, as provided for in 40-4-201(1), containing provisions for disposition of any property owned by either or both parties, distribution of any debts owed by either or both parties, maintenance of either party, and support, parenting, and parental contact with any minor children of the parties has been filed with the court prior to or concurrently with the affidavit;

(D) the affidavit includes a proposed decree; and

(E) the party filing the affidavit waives the right to appear personally in court to present testimony as to any matters and requests the court to enter a decree without a hearing.

(c) Regardless of compliance with the affidavit requirements of subsection (4)(b), the court

may require a hearing for any reason the court considers necessary.

(d) If all parties in the action have submitted affidavits for dissolution of marriage or legal separation without a hearing and the court determines that entry of a decree is appropriate, the court may enter the decree without a hearing.

~~(4)~~(5) Upon request by a wife whose marriage is dissolved or declared invalid, the court shall order the wife's maiden name or a former name restored.""

Insert: "NEW SECTION. **Section 2. Applicability.** [This act] applies to dissolution cases filed on or after October 1, 2015."

And, as amended, be concurred in. Report adopted.

HB 19, be concurred in. Report adopted.
HB 43, be concurred in. Report adopted.
HB 88, be concurred in. Report adopted.
HB 133, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/17/2015

SB 6, introduced by F. Thomas
SB 28, introduced by J. Cohenour
SB 32, introduced by J. Sesso
SB 67, introduced by C. Larsen
SB 85, introduced by E. Buttrey
SB 95, introduced by C. Kaufmann
SB 108, introduced by F. Moore
SB 113, introduced by J. Sesso
SB 163, introduced by E. Buttrey

House bills passed and transmitted to the Senate for concurrence: 2/17/2015

HB 289, introduced by E. Greef
HB 373, introduced by S. Staffanson

House joint resolution passed and transmitted to the Senate for concurrence: 2/17/2015

HJ 10, introduced by E. Hill

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 357, introduced by C. Wolken, C. Larsen, referred to Judiciary.
SB 358, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 359, introduced by C. Kaufmann, referred to Judiciary.
SB 360, introduced by D. Kary, E. Arntzen, T. Brown, N. Swandal, R. Webb, referred to Judiciary.
SB 361, introduced by B. Hamlett, P. Connell, referred to Natural Resources.
SB 362, introduced by B. Hamlett, P. Connell, referred to Judiciary.
SB 363, introduced by F. Thomas, J. Essmann, referred to Taxation.
SB 364, introduced by J. Cohenour, Debby Barrett, B. Hamlett, referred to State Administration.
SB 365, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SB 366, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
SB 367, introduced by J. Taylor, M. Blasdel, referred to Finance and Claims.
SB 368, introduced by M. Rosendale, referred to Natural Resources.
SB 369, introduced by D. Brown, referred to Highways and Transportation.
SB 370, introduced by G. Vuckovich, referred to State Administration.
SB 371, introduced by M. Blasdel, referred to Judiciary.
SB 372, introduced by M. Blasdel, referred to Judiciary.
SB 373, introduced by C. Kaufmann, referred to Judiciary.
SB 374, introduced by C. Kaufmann, referred to Taxation.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 22, introduced by F. Thomas, B. Hamlett, B. Keenan, J. Sesso, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 14, introduced by F. Thomas, A. Olszewski, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 289, introduced by E. Greef, referred to Local Government.
HB 373, introduced by S. Staffanson, C. Clark, A. Doane, A. Knudsen, W. McKamey, D. Mortensen, K. Regier, referred to Education and Cultural Resources.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 10, introduced by E. Hill, C. Larsen, M. Moe, C. Schreiner, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on

second reading, recommend as follows:

SB 234 - Senator Thomas moved **SB 234** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 48

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 185 - Senator Kary moved **SB 185** do **not** pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 46

Nays: Hamlett, Swandal, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 185 - Senator Rosendale moved **SB 185** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 47

Nays: Hamlett, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 112 - Senator Ankney moved **SB 112** do pass.

SB 112 - Senator Ankney moved **SB 112**, second reading copy, be amended as follows:

1. Page 2, line 13.
Strike: "(9)"
Insert: "(10)"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 112 - Senator Ankney moved **SB 112**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 38

Nays: Barrett Dick, Cohenour, Facey, Kaufmann, Malek, McNally, Moe, Pomnichowski, Sands, Stewart-Peregoy, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 136 - Senator Hamlett moved **SB 136** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 256 - Senator Hamlett moved **SB 256** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 48 - Senator Vincent moved **SB 48** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 216 - Senator Webb moved **SB 216** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan, Larsen, Moe, Moore, Phillips, Rosendale, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Webb, Wolken, Ms. President.
Total 32

Nays: Ankney, Brenden, D. Brown, T. Brown, Jones, Kaufmann, Malek, McNally, Pomnichowski, Ripley, Sales, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 51 - **House Amendments** - Senator Dick Barrett moved House amendments to **SB 51** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding.

Senator Ankney arose on a point of personal privilege and stated he had made an error in his testimony and that MEIC did not testify in favor of **SB 112**.

Chair Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 47

Nays: Kaufmann, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 27 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski,

Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Howard, Sales, Smith, Swandal, Vance.
Total 5

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 34 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 68 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 92 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 169 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 276 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance,

Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 45

Nays: Malek, Moore, Tutvedt, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 277 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 37

Nays: D. Brown, Cohenour, Driscoll, Facey, Kaufmann, Keane, Malek, Phillips, Sesso, Vuckovich, Windy Boy, Wolken.
Total 12

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

MOTIONS

Senator L. Jones moved **SB 234** and **SB 216** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, February 19, 2015, the thirty-eighth legislative day. Motion carried.

Senate adjourned at 2:57 p.m.

MARILYN MILLER DEBBY BARRETT

Secretary of the Senate President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 19, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 2/19/2015

Correctly printed: **SB 48**, **SB 136**, **SB 256**, **SB 284**, **SB 288**, **SB 296**, **SB 327**, **SB 357**, **SB 358**, **SB 359**, **SB 360**, **SB 361**, **SB 362**, **SB 363**, **SB 364**, **SB 365**, **SB 366**, **SB 367**, **SB 368**, **SB 369**, **SB 370**, **SB 371**, **SB 372**, **SB 373**, **SB 374**, **SR 22**, **SJ 14**, **HB 19**, **HB 43**, **HB 50**, **HB 61**, **HB 83**, **HB 88**, **HB 98**, **HB 126**, **HB 132**, **HB 133**, **HB 212**, **HB 246**, **HB 250**, **HB 265**.
Correctly engrossed: **SB 112**.
Transmitted to the House: **SB 34**, **SB 68**, **SB 92**, **SB 169**, **SB 276**, **SB 277**, **HB 27**.
Signed by the Secretary of the Senate at 9:15 a.m., February 19, 2015: **SB 6**, **SB 28**, **SB 29**, **SB 32**, **SB 65**, **SB 67**, **SB 85**, **SB 95**, **SB 108**, **SB 113**, **SB 163**, **SR 4**, **SR 6**.
Signed by the President at 7:50 a.m., February 19, 2015: **SB 50**, **SB 59**, **SB 62**, **SB 81**, **SB 117**, **SB 164**.
Signed by the President at 10:35 a.m., February 19, 2015: **SB 6**, **SB 28**, **SB 29**, **SB 32**, **SB 65**, **SB 67**, **SB 85**, **SB 95**, **SB 108**, **SB 113**, **SB 163**, **SR 4**, **SR 6**.
Signed by the Speaker at 8:40 a.m., February 19, 2015: **SB 50**, **SB 59**, **SB 62**, **SB 81**, **SB 117**, **SB 164**.
Signed by the Speaker at 3:00 p.m., February 19, 2015: **SB 6**, **SB 28**, **SB 29**, **SB 32**, **SB 65**, **SB 67**, **SB 85**, **SB 95**, **SB 108**, **SB 113**, **SB 163**.
Delivered to the Secretary of State at 3:08 p.m., February 19, 2015: **SR 4**, **SR 6**.
Delivered to the Governor 10:35 a.m., February 19, 2015: **SB 50**, **SB 59**, **SB 62**, **SB 81**, **SB 117**, **SB 164**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 2/18/2015
SB 12, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: ";" on line 7
Insert: "PROVIDING CONDITIONS UNDER WHICH A STUDENT 19 YEARS OF AGE OR OLDER MAY BE INCLUDED IN AVERAGE NUMBER BELONGING CALCULATIONS; PROVIDING A LIMIT ON THE NUMBER OF STUDENTS 19 YEARS OF AGE OR OLDER A DISTRICT MAY INCLUDE IN AVERAGE NUMBER BELONGING CALCULATIONS;"

2. Title, page 1, line 8.

Strike: "SECTION"
Insert: "SECTIONS"
Following: "20-1-101"
Insert: "AND 20-9-311"

3. Page 4.
Following: line 22
Insert: "Section 2. Section 20-9-311, MCA, is amended to read:

"20-9-311. Calculation of average number belonging (ANB) -- 3-year averaging. (1) Average number belonging (ANB) must be computed for each budget unit as follows:

(a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on the first Monday in December of the prior school fiscal year and to a count of regularly enrolled pupils on the first Monday in February of the prior school fiscal year or the next school day if those dates do not fall on a school day, and divide the sum by three; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) (a) Except as provided in subsection (4)(d), for the purpose of calculating ANB, enrollment in an education program:

(i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

(ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;

(iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time enrollment; and

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Except as provided in subsection (4)(d), enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.

(d) A school district may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of pupil instruction required under subsection (4)(a) or (4)(b) if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB of a pupil under this subsection (4)(d) must be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.

(e) A pupil in kindergarten through grade 12 who is concurrently enrolled in more than one

public school, program, or district may not be counted as more than one full-time pupil for ANB purposes.

(5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten.

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) (a) The enrollment of preschool pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(b) Except as provided in subsection (7)(c), a pupil who has reached 19 years of age by September 10 of the school year may not be included in the ANB calculations.

(c) A pupil 19 years of age or older who has not yet graduated and who is enrolled for the purpose of earning credits to meet the district's graduation requirements for a high school diploma may be included in the ANB calculations. The number of additional high school ANB in a district that results from the inclusion of pupils who have reached 19 years of age may not exceed 40 in any school fiscal year and must be further limited to the greater of 3 additional high school ANB or 103% of the high school ANB that would exist without the inclusion of pupils who have reached 19 years of age.

(8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that:

(a) the ANB is calculated as a separate budget unit when:

(i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:

(A) 75% of the basic entitlement for the fourth year;

(B) 50% of the basic entitlement for the fifth year; and

(C) 25% of the basic entitlement for the sixth year.

(b) when a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) when a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) when a school has been designated as nonaccredited by the board of public education because of failure to meet the board of public education's assurance and performance standards, the regularly enrolled, full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

(9) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

(10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education program provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the board of public education.

(b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.

(c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district at district expense under an agreement with the incarcerating facility.

(d) This subsection (10) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

(11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

(a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;

(b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;

(e) participating in the running start program at district expense under 20-9-706;

(f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;

(g) enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district. The pupil shall:

(i) meet the residency requirements for that district as provided in 1-1-215;

(ii) live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(iii) attend school in the district under a mandatory attendance agreement as provided in 20-5-321.

(h) a resident of the district attending the Montana youth challenge program or a Montana job corps program under an interlocal agreement with the district under 20-9-707.

(12) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge program participant as half-time enrollment.

(13) (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection (13)(a) and then combined.

(14) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection (14)(a) by three.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 162, be amended as follows:

1. Title, page 1, line 7.
Following: "CLASS"
Insert: "THAT THE DISTRICT REQUIRES FOR GRADUATION"

2. Title, page 1, line 8 through line 9.
Strike: "ESTABLISHING" on line 8 through "TEACHERS;" on line 9
Insert: "PROVIDING RULEMAKING AUTHORITY;"

3. Page 2, line 23.

Strike: "**teacher compensation**"
Insert: "**rulemaking authority**"
Following: "(1)"
Insert: "(a)"

4. Page 2, line 25 through page 3, line 2.
Strike: ":" on page 2, line 25 through "course." on page 3, line 2
Insert: "any supplemental fee established by the digital academy that is required to pay for the prorated costs of course delivery that exceed the amount appropriated to the digital academy by the legislature. The fee must be established by the governing board of the digital academy by rule and must be commensurate with the costs of operating the digital academy that exceed the appropriation provided by the legislature.

(b) Fees collected under subsection (1)(a) may be spent only on the operating costs of the digital academy.

(c) The governing board of the digital academy shall adopt rules regarding the establishment of any fees required under subsection (1)(a)."

5. Page 3, line 4.
Following: "ACADEMY"
Insert: "that the school district requires for graduation"

6. Page 3, line 5 through line 10.
Strike: subsection (3) through subsection (4) in their entirety

And, as amended, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 2/18/2015
SB 219, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "SENTENCE"
Insert: "FOR A FELONY CONVICTION"

2. Page 1, line 11.
Following: "**imposition.**"
Insert: "(1)"

3. Page 1, line 13.
Following: "46-18-208"
Strike: ","
Insert: ": (a) for a felony conviction,"

4. Page 1, line 16.
Following: "filed"
Strike: "."

Insert: "; or (b) for a misdemeanor conviction, upon motion of the court, the defendant, or the defendant's attorney, the court may allow the defendant to withdraw a plea of guilty or nolo contendere or may strike the verdict of guilty from the record and order that the charge or charges against the defendant be dismissed.
(2)"

And, as amended, do pass. Report adopted.

SB 253, do pass. Report adopted.
SB 266, do pass. Report adopted.
SJ 3, introduced joint resolution, be amended as follows:

1. Page 1, line 11 through line 23.
Strike: "WHEREAS," on line 11 through "facility; and" on line 23

2. Page 1, line 24.
Following: "Department"
Insert: "of Corrections"

And, as amended, be adopted. Report adopted.

SR 9, preliminary report.
SR 10, preliminary report.
SR 11, preliminary report.
HB 165, be concurred in. Report adopted.
HB 197, be concurred in. Report adopted.
HB 232, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 2/19/2015
SB 223, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 7.
Following: "LAWS;"
Strike: remainder of line 4 through "BAIL;" on line 7

2. Title, page 1, line 8 through line 9.
Following: "DEFENDANT"
Strike: remainder of line 8 through "COMPANY"
Insert: "FOR BREACH OF CONTRACT, UPON REQUEST OF AN INDEMNITOR, OR FOR A VIOLATION OF A CONDITION OF RELEASE"
Following: "46-9-503"
Strike: ","

3. Title, page 1, line 10.
Strike: "46-9-311" through "46-9-401,"

4. Page 1, line 14 through page 2, line 14.
Strike: section 1 through section 2 in their entirety
Renumber: subsequent sections

5. Page 2, line 25.
Strike: "180"
Insert: "150"
Following: "after the"
Insert: "notice of the order of"

6. Page 2, line 27.
Strike: "180"
Insert: "150"
Following: "after the"
Insert: "notice of the order of"

7. Page 3, line 5.
Strike: "180"
Insert: "150"
Following: "from"
Insert: "notice of the order of"

8. Page 3, line 9.
Following: "the"
Insert: "notice of the"
Strike: "of bail"
Strike: "180"
Insert: "150"

9. Page 3, line 10.
Following: "the"
Insert: "notice of the"

10. Page 3, line 13.
Following: "be"
Insert: "arrested and"
Following: "surrendered"
Insert: "by the surety company or its agent"

11. Page 3, line 14 through line 15.
Strike: line 14 through line 15.
Insert: "for breach of any contract between the defendant and the surety company or its agent, including breach of a premium deferment agreement; upon request of an indemnitor; or for violation of a condition of release other than a failure to appear.
(2) Nothing in subsection (1)(b) may be construed as prohibiting a surety or its agent from

surrendering a defendant and receiving exoneration of bail in the event that a defendant fails to appear or becomes incarcerated on new charges or for violations of release conditions."
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 298, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "pursue"
Insert: ", to the extent feasible,"

And, as amended, do pass. Report adopted.

HB 129, be concurred in. Report adopted.
HB 186, be concurred in. Report adopted.

LOCAL GOVERNMENT (Taylor, Chair): 2/18/2015
SB 239, introduced bill, be amended as follows:

1. Page 1, line 12.
Following: "dog"
Insert: ", Canis familiaris"

2. Page 1, line 13.
Following: "dogs"
Insert: "and dog hybrids with wolves, coyotes, or jackals"

3. Page 1, line 17.
Following: "dog"
Insert: ", Canis familiaris"

4. Page 1, line 18.
Following: "dogs"
Insert: "and dog hybrids with wolves, coyotes, or jackals"

And, as amended, do pass. Report adopted.

SB 294, introduced bill, be amended as follows:

1. Title, line 6.
Following: "ELECTORS;"
Strike: "AND"

2. Title, line 7.

Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

3. Page 2.
Following: line 10
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."
Insert: "NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to issuance of notes authorized by the electors of the district on or after November 1, 2014."

And, as amended, do pass. Report adopted.

HB 193, be amended as follows:

1. Title, line 6.
Following: the first "COMMISSIONERS"
Insert: "IF THE COMMISSIONERS ESTABLISH A PROCESS"
Following: the second "COMMISSIONERS"
Insert: "OR A BOARD OF ADJUSTMENT"

2. Page 2, lines 1 and 2.
Following: "**of**"
Insert: "**county commissioners or board of**"
Strike: "**to**" on line 1 through "**commissioners**" on line 2
Following: "**record**" on line 2
Insert: "**-- county commissioners may establish appeal process**"

3. Page 2, line 2 through line 8.
Strike: subsection (1) in its entirety
Insert: "(1) (a) The board of county commissioners may establish in the zoning regulations a process for an appeal of a decision by the board of adjustment to the board of county commissioners by any person or persons, jointly or severally, aggrieved by a decision of the board of adjustment or an officer, department, board, or bureau of the county.

(b) The process, if established, must provide that an appeal to the board of county commissioners be initiated by presenting to the board of county commissioners a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality.

(c) The petition must be presented to the board of county commissioners within 30 days after the filing of the decision of the board of adjustment, and a final decision must be made within 60 days of receipt of the petition.

(d) The board of county commissioners may:

(i) remand the special exception to the board of adjustment;

(ii) reverse or affirm, wholly or partly, the decision of the board of adjustment; or

(iii) modify the decision of the board of adjustment."

4. Page 2, line 10.
Strike: "filed after the hearing required in subsection (1)"
Insert: "or the board of adjustment"

5. Page 2, lines 12 and 13.
Following: "office of the" on line 12
Insert: "appropriate"
Strike: "of" on line 12 through "commissioners" on line 13

6. Page 2, line 15.
Following: the first "commissioners"
Insert: "or the board of adjustment"
Following: "board"
Strike: "of"
Strike: "county commissioners"

7. Page 2, line 19.
Following: "commissioners"
Insert: "or the board of adjustment"

8. Page 2, line 20.
Following: "commissioners"
Insert: "or the board of adjustment"

9. Page 3, line 3.
Following: "commissioners"
Insert: "or the board of adjustment"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/18/2015
SB 118, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "RIGHT;"
Insert: "REQUIRING NOTICE TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION IN CASE OF DISRUPTION;"

2. Page 2, line 3.
Strike: "are"
Insert: "is"

3. Page 2, line 5.

Following: "right."
Insert: "In the event that the means of conveyance is disrupted, impeded, or otherwise blocked, the appropriator shall notify the department by certified mail of the disruption, impediment, or blockage."

And, as amended, do pass. Report adopted.

SB 261, introduced bill, be amended as follows:

1. Page 5.
Following: line 3
Insert: "(4) The oversight team shall seek a depredation order from the United States fish and wildlife service under the Migratory Bird Treaty Act of 1918, as necessary, to control common raven (Corvus corax) or black-billed magpie (Pica hudsonia) to reduce depredation on sage grouse populations and their nests."

2. Page 5, line 21.
Following: "generate credits"
Insert: "that are available for compensatory mitigation under [section 9]"

3. Page 7.
Following: line 13
Insert: "(5) If a grant is awarded to a proposed project that uses matching funds from a source that prohibits the generation of credits for compensatory mitigation, the oversight team, when possible, shall allocate the credits generated by the proposed project on a pro rata basis and make available for compensatory mitigation under [section 9] only those credits attributable to funds awarded pursuant to this section and any unrestricted matching funds."

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 2/18/2015
SB 9, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "50-16-805,"

2. Page 1, line 7.
Following: line 7
Insert: "WHEREAS, it is in the interest of all Montanans to address prescription drug abuse and diversion; and

WHEREAS, health care providers who are subject to the Health Insurance Portability and Accountability Act are permitted to disclose health care information for law enforcement purposes, including the purposes of notifying authorities of suspected criminal conduct that has occurred on a provider's premises and reporting information to lessen a serious and imminent threat to the health or safety of a patient or the public; and

WHEREAS, Montana's Uniform Health Care Information Act is unclear on whether these provisions similarly apply to health care providers who are not subject to the Health Insurance Portability and Accountability Act; and

WHEREAS, it is in the interest of all Montanans for health care providers to report these activities to law enforcement to address, among other matters, prescription drug abuse and diversion and to ensure the safety of Montana communities; and

WHEREAS, the granting of immunity to health care providers for reporting these activities would encourage reporting."

3. Page 2, line 3.
Strike: "(a)"

4. Page 2, line 7 through line 8.
Strike: subsection (1)(b) in its entirety

5. Page 2, line 21 through page 3, line 6.
Strike: section 3 in its entirety
Renumber: subsequent section

6. Page 3, line 26.
Strike: "(a)"
Following: "information"
Insert: "to federal, state, or local law enforcement authorities"
Following: "50-16-805(2)"
Strike: "(c)"

7. Page 3, line 27.
Following: "was"
Insert: ": (a)"

8. Page 3, line 28.
Following: "faith"
Strike: "and"
Insert: "; (b)"

9. Page 3, line 29.
Following: "164"
Insert: "; and (c) to notify the authorities of an activity that the provider in good faith believed constituted evidence of criminal conduct that occurred on the provider's premises or to prevent or lessen a serious and imminent threat to the health or safety of a person or the public"

10. Page 3, line 30 through page 4, line 1.
Strike: subsection (8)(b) in its entirety

11. Page 4, line 2.
Insert: "NEW SECTION. **Section 4. Two-thirds vote required.** Because [section 2 and section 3] limit governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."

And, as amended, do pass. Report adopted.

SB 207, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "AN ACCEPTABLE"
Insert: "A REASONABLY PRUDENT"

2. Page 2, line 6.
Strike: "medically acceptable"
Insert: "reasonably prudent"

3. Page 2, line 10.
Strike: "medically appropriate"
Insert: "reasonably prudent"

4. Page 2, line 22.
Following: "brief"
Strike: ", comprehensive"
Strike: "made"
Insert: "written by a health care provider"

5. Page 3, line 6.
Strike: "medically acceptable"
Insert: "reasonably prudent"

6. Page 3, line 8 through line 9.
Strike: "A" on line 8 through "followed" on line 9
Insert: "For the purposes of this section, a selected course of treatment may be reasonably prudent even though it"

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/19/2015
SB 167, do pass. Report adopted.
SB 269, introduced bill, be amended as follows:

1. Page 1, line 5 through line 6.
Strike: "ESTABLISHING" on line 5 through "AUDITS;" on line 6

2. Title, page 1, line 8.
Strike: "PROVIDING RULEMAKING AUTHORITY;"
Strike: "15-1-216, 15-30-2512,"

3. Page 1, line 13 through page 6, line 14.
Strike: section 1 through section 3 in their entirety
Renumber: subsequent sections

4. Page 6, line 18.
Strike: "Subject to [section 1] if"
Insert: "If"

5. Page 6, line 23.
Strike: "[section 1] and"
Strike: "of this section"

6. Page 9, line 4 through line 6.
Strike: section 8 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 335, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 17, 2015

Senator Debby Barrett, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Barrett:

On Tuesday, February 17, 2015, I signed the following bills:

Senate Bill 5 - J. Windy Boy
Senate Bill 10 - J. Keane
Senate Bill 11 - J. Keane
Senate Bill 15 - N. Swandal
Senate Bill 26 - N. Swandal
Senate Bill 75 - G. Vuckovich
Senate Bill 98 - T. Facey

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

February 18, 2015

Senator Debby Barrett, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Barrett:

On Wednesday, February 18, 2015, I signed the following bills:

Senate Bill 4 - T. Facey
Senate Bill 19 - R. Ripley
Senate Bill 27 - D. Brown
Senate Bill 35 - T. Facey
Senate Bill 36 - T. Facey
Senate Bill 46 - J. Pomnichowski
Senate Bill 70 - J. Keane
Senate Bill 71 - J. Keane
Senate Bill 78 - B. Tutvedt

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/18/2015

HB 279, introduced by J. Essmann
HB 354, introduced by R. Brodehl
HB 358, introduced by R. Lynch
HB 359, introduced by E. Lieser
HB 390, introduced by M. Lang

HB 392, introduced by F. Garner
HB 393, introduced by T. Richmond
HB 396, introduced by D. Jones
HB 400, introduced by G. Custer

MOTIONS

Senator Webb moved the Senate suspend the rules and reconsider its action on **SB 125**. Motion **failed** as follows:

Yeas: Ankney, Blasdel, T. Brown, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Kary, Kaufmann, Keane, Larsen, McNally, Moe, Phillips, Ripley, Swandal, Thomas, Tutvedt, Webb, Wolken.
Total 24

Nays: Arntzen, Barrett Dick, Brenden, D. Brown, Buttrey, Connell, Hinkle, Howard, Jones, Keenan, Malek, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Ms. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 375, introduced by S. Sales, referred to Highways and Transportation.
SB 376, introduced by J. Brenden, referred to Finance and Claims.
SB 377, introduced by P. Connell, referred to Business, Labor, and Economic Affairs.
SB 378, introduced by E. Arntzen, referred to Taxation.
SB 379, introduced by G. Vance, referred to Business, Labor, and Economic Affairs.
SB 380, introduced by C. Larsen, B. Hoven, E. Lieser, A. Person, R. Shaw, referred to Finance and Claims.
SB 381, introduced by T. Facey, referred to Business, Labor, and Economic Affairs.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 23, introduced by F. Thomas, referred to Public Health, Welfare and Safety.
SR 24, introduced by T. Brown, referred to Education and Cultural Resources.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 15, introduced by F. Thomas, B. Tutvedt, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 279, introduced by J. Essmann, referred to Fish and Game.
HB 354, introduced by R. Brodehl, V. Court, M. Cuffe, R. Ehli, D. Jones, A. Redfield, M. Tropila, referred to Finance and Claims.
HB 358, introduced by R. Lynch, referred to Public Health, Welfare and Safety.
HB 359, introduced by E. Lieser, referred to Taxation.
HB 390, introduced by M. Lang, C. Clark, K. Flynn, R. Hollandsworth, G. Pierson, L. Randall, A. Redfield, S. Staffanson, K. White, B. Hamlett, F. Moore, R. Ripley, referred to Agriculture, Livestock and Irrigation.
HB 392, introduced by F. Garner, referred to State Administration.
HB 393, introduced by T. Richmond, referred to Energy and Telecommunications.
HB 396, introduced by D. Jones, T. Berry, T. Burnett, E. Buttrey, P. Connell, C. Fiscus, C. Glimm, D. Hagstrom, G. Hertz, K. Holmlund, D. Kary, D. Salomon, C. Smith, F. Thomas, B. Tutvedt, referred to Business, Labor, and Economic Affairs.
HB 400, introduced by G. Custer, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Webb in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 252 - Senator L. Jones moved **SB 252** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Hinkle, Howard, Sales, Vance.
Total 4

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 260 - Senator F. Moore moved **SB 260** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 282 - Senator Facey moved **SB 282** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 220 - Senator Kaufmann moved **SB 220** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 225 - Senator D. Brown moved **SB 225** do pass. Motion **failed** as follows:

Yeas: Ankney, Blasdel, D. Brown, Buttrey, Caferro, Connell, Fielder, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Webb, Ms. President.
Total 22

Nays: Arntzen, Barrett Dick, Brenden, T. Brown, Cohenour, Driscoll, Facey, Hamlett, Hansen, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 225 - Senator Rosendale moved **SB 225** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy.
Total 42

Nays: D. Brown, Caferro, Hamlett, Hinkle, Taylor, Webb, Wolken, Ms. President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 235 - Senator Hansen moved **SB 235** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moe, Moore, Ripley, Rosendale, Smith, Swandal, Thomas, Vincent, Webb, Ms. President.
Total 26

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 248 - Senator Brenden moved **SB 248** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keane, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Barrett Dick, T. Brown, Cohenour, Driscoll, Facey, Hansen, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary,

Keane, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Cohenour, Kaufmann, Keenan, Phillips.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 48 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 136 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 168 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 256 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 51, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Blasdel, D. Brown, Fielder, Howard, Rosendale, Smith, Vance.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator L. Jones moved **SB 252** and **SB 260** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Thomas moved **SJ 15** be taken from the Taxation Committee and referred to the Rules Committee. Without objection, so ordered.

ANNOUNCEMENTS

President Barrett announced that the transmittal break has been extended and that the Senate will convene for the 46th legislative day on Thursday, March 5, 2015.

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Friday, February 20, 2015, the thirty-ninth legislative day. Motion carried.

Senate adjourned at 2:16 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 20, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 2/20/2015

Correctly printed: **SB 167**, **SB 220**, **SB 235**, **SB 248**, **SB 266**, **SB 282**, **SB 335**, **SB 375**, **SB 376**, **SB 377**, **SB 378**, **SB 379**, **SB 380**, **SB 381**, **SR 23**, **SR 24**, **SJ 15**, **HB 129**, **HB 165**, **HB 186**, **HB 197**, **HB 232**.
Correctly engrossed: **SB 9**, **SB 12**, **SB 83**, **SB 99**, **SB 118**, **SB 180**, **SB 207**, **SB 219**, **SB 223**, **SB 239**, **SB 251**, **SB 253**, **SB 261**, **SB 269**, **SB 270**, **SB 292**, **SB 294**, **SB 295**, **SB 298**, **SB 312**, **SB 321**, **SB 332**, **SB 334**, **SJ 3**, **SJ 11**, **HB 162**, **HB 193**.
Transmitted to the House: **SB 48**, **SB 51**, **SB 136**, **SB 168**, **SB 256**.
Delivered to the Governor at 10:10 a.m., February 20, 2015: **SB 6**, **SB 28**, **SB 29**, **SB 32**, **SB 65**, **SB 67**, **SB 85**, **SB 95**, **SB 108**, **SB 113**, **SB 163**.

COMMUNICATIONS AND PETITIONS

A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE
OF REPRESENTATIVES OF THE STATE OF MONTANA
RECOGNIZING SHODAIR CHILDREN'S HOSPITAL
2015 CHAMPION CHILD JORDYNN HARDMAN

Commending and recognizing Jordynn Hardman, a seventeen-year-old Helena girl who has been treated at Shodair Children's Hospital for a rare genetic disease; and whose spirit, maturity, and good humor has sustained her and her family through significant health challenges.

WHEREAS, Shodair Children's Hospital belongs to the Children's Miracle Network (CMN) Hospitals, an alliance of 170 hospitals across the United States and Canada, who treat 18 million children each year; and

WHEREAS, the Children's Miracle Network Champion Child Program spotlights the courageous battles of children like Jordynn with severe medical challenges; and

WHEREAS, for their courage, tenacity, and perseverance, CMN Champion Children are selected to serve as ambassadors to raise awareness and educate the public about their medical issues and why community support is so vital to their well-being; and

WHEREAS, Jordynn has been named Shodair Children's Hospital 2015 Champion Child

and represents all Montana children facing severe medical challenges; and

WHEREAS, Jordynn has Tuberous Sclerosis Complex (TSC), a rare genetic disease that can lead to the growth of noncancerous tumors throughout the body, including the brain, kidneys, heart, and lungs; and

WHEREAS, Jordynn is dedicated to raising public awareness about her medical condition and that of all Montana children with various illnesses and medical needs; and

WHEREAS, Jordynn has a genetic condition that can be progressive and life-threatening, yet she faces her diagnosis with remarkable grace and determination.

NOW, THEREFORE, BE IT PROCLAIMED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA'S 64th LEGISLATURE:

That the members of this body honor Jordynn Hardman for her grace and determination in the face of significant medical challenges, and convey to her their sincere wishes for safe travel and memorable experiences during her year as Montana's Champion Child.

SIGNED BY:

Debby Barrett, President of the Senate	Austin Knudsen, Speaker of the House
Matthew Rosendale, Senate Majority Leader	Keith Regier, House Majority Leader
Jon Sesso, Senate Minority Leader	Chuck Hunter, House Minority Leader

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 2/19/2015
SJ 11, introduced joint resolution, be amended as follows:

1. Title, page 1, line 8.
Following: "CATTLE"
Insert: ","
Strike: "AND"
Following: "BISON"
Insert: ", AND WILDLIFE"

2. Page 1, line 12 through line 13.
Strike: line 12 through line 13

3. Page 1, line 18.
Following: "Park"
Insert: "and the surrounding area"

4. Page 2, line 2.

Following: "cattle"
Insert: ","
Strike: "and"
Following: "bison"
Insert: ", and wildlife"

And, as amended, be adopted. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/19/2015
SB 83, introduced bill, be amended as follows:

1. Title, page 1, line 11.
Following: "AMENDING SECTIONS"
Insert: "33-30-102, 33-31-111,"

2. Page 2, line 29.
Following: "must use" on line 29
Insert: "documented"

3. Page 2, line 30.
Following: "criteria that"
Strike: "have been documented to be"
Insert: "are"

4. Page 3, line 5.
Following: "shall administer"
Insert: "and oversee"

5. Page 3, line 5 through line 6.
Following: "program" on line 5
Strike: "and oversee" on line 5 through "determinations" on line 6

6. Page 3, line 9.
Following: "fails to"
Strike: "strictly"

7. Page 3, line 12 through line 14.
Following: "subsection (5)(b)" on line 12
Strike: "," on line 12 through "minor" on line 14

8. Page 3, line 16.
Following: "sections"
Strike: "10"
Insert: "17"

9. Page 3, line 19.
Following: line 19
Insert: "(6)(a) [Section 5 or 6] may not be considered exhausted based on a de minimis violation that does not cause and is not likely to cause prejudice or harm to the covered person, as long as the health insurance issuer demonstrates that the violation was for good cause or was due to matters beyond the control of the health insurance issuer and that the violation occurred in the context of an ongoing, good faith exchange of information between the health insurance issuer and the covered person or, if applicable, the covered person's authorized representative.

(b) The exception provided in subsection (6)(a) does not apply if the violation is part of a pattern or practice of violations by the health insurance issuer."
Renumber: subsequent subsections

10. Page 6, line 13.
Following: "grievance"
Insert: "requesting a review of the adverse determination pursuant to [sections 10 through 31]"

11. Page 6, line 14.
Strike: "(ii)" through ";"
Renumber: subsequent subsections

12. Page 6, line 19.
Strike: "31"
Insert: "16"

13. Page 7, line 11.
Following: "The date"
Strike: "of the original request"
Insert: "the request is received by the health insurance issuer"

14. Page 7, line 12.
Following: "counted"
Strike: ","

15. Page 7, line 28.
Following: "health care provider,"
Insert: "and"

16. Page 7, line 28 through line 29.
Following: "the claim amount"
Strike: "," on line 28 through "meaning" on line 29

17. Page 7, line 30.
Following: line 29
Insert: " (b) a statement describing the availability, upon request, of the diagnosis code and its

corresponding meaning and the treatment code and its corresponding meaning. On receiving a request for a diagnosis or treatment code, the health insurance issuer shall provide the information to the covered person or, if applicable, the covered person's authorized representative as soon as practicable. A health insurance issuer may not consider a request for the diagnosis code and treatment information, in itself, to be a request to file a grievance for review of an adverse determination pursuant to [sections 10 through 16] or a request for external review as outlined in [sections 17 through 31]."

Renumber: subsequent subsections

18. Page 8, line 17.
Strike: "(8)(g)"
Insert: "(8)(h)"

19. Page 8, line 28 through page 9, line 4.
Strike: subsection (i) through subsection (iii) in their entirety
Insert: "(i) provide oral language services, such as a telephone assistance hotline, that include answering questions in any applicable non-English language and providing assistance with filing benefit requests, claims, and appeals in any applicable non-English language;

(ii) provide, upon request, a notice in any applicable non-English language; and

(iii) include in the English version of the notice a prominently displayed statement in any applicable non-English language clearly indicating how to access the language services provided by the health insurance issuer.

(c) For purposes of this subsection (9), with respect to any United States county to which a notice is sent, a non-English language is an applicable non-English language if 10% or more of the population residing in the county is literate only in the same non-English language, as determined in federal guidance."

20. Page 10, line 19.
Following: "no later than"
Strike: "24"
Insert: "72"

21. Page 11, line 28.
Following: "The date"
Strike: "of the original request" on line 28
Insert: "the request is received by the health insurance issuer"

22. Page 12, line 4.
Following: "provider,"
Insert: "and"

23. Page 12, line 4.
Following: "claim amount"
Strike: ", the diagnosis code" on line 4 through "meaning" on line 5

24. Page 12, line 6.
Following: line 5
Insert: " (b) a statement describing the availability, upon request, of the diagnosis code and its corresponding meaning and the treatment code and its corresponding meaning. On receiving a request for a diagnosis or treatment code, the health insurance issuer shall provide the information as soon as practicable. A health insurance issuer may not consider a request for the diagnosis code and treatment information, in itself, to be a request to file a grievance for review of an adverse determination pursuant to [sections 10 through 16] or a request for external review as outlined in [sections 17 through 31]."
Renumber: subsequent subsections

25. Page 12, line 13.
Following: "issuer's internal"
Strike: "review"
Insert: "grievance"

26. Page 12, line 25.
Strike: "(7)(h)"
Insert: "(7)(i)"

27. Page 12, line 29.
Strike: "(7)(g)"
Insert: "(7)(h)"

28. Page 13, line 1.
Strike: "(7)(h)"
Insert: "(7)(i)"

29. Page 14, line 5.
Following: "requirement"
Strike: "expressed as a copayment amount or coinsurance rate"

30. Page 14, line 14.
Strike: "copayment or coinsurance"
Insert: "cost-sharing"

31. Page 14, line 19.
Following: line 19
Strike: "copayment or coinsurance"
Insert: "cost-sharing"

32. Page 14, line 24 through line 30.
Strike: subsection (a) through subsection (c) in their entirety
Insert: "Only in-network cost-sharing amounts may be imposed on out-of-network emergency services."

33. Page 15, line 1.
Following: "(6)"
Strike: "For an immediately required"
Insert: "If prior authorization is required for a"

34. Page 15, line 8.
Following: "coverage"
Strike: "or"
Insert: "and"

35. Page 15, line 12 through line 13.
Strike: subsection (2) in its entirety
Insert: "(2) In the outline of coverage provided to covered persons, a health insurance issuer shall include a statement indicating the section of the member handbook containing the information required in subsection (1)."

36. Page 17, line 27.
Following: "[section 15 or 16]"
Strike: "are not"
Insert: "may not be"

37. Page 17, line 27.
Following: "based on a"
Strike: "minor"
Insert: "de minimis"

38. Page 18, line 1.
Following: "covered person"
Insert: "or, if applicable, the covered person's authorized representative"

39. Page 18, line 4 through line 5.
Strike: subsection (c) in its entirety

40. Page 19, line 4.
Following: "more appropriate"
Strike: "clinical peers"
Insert: "physicians or health care professionals of the same licensure"

41. Page 19, line 4.
Following: "determination. A" on line 4
Strike: "clinical peer"
Insert: "physician or health care professional of the same licensure"

42. Page 19, line 6.
Following: "an appropriate"

Strike: "clinical peer"
Insert: "physician or health care professional of the same licensure"

43. Page 19, line 7.
Following: "more than one"
Strike: "clinical peer"
Insert: "physician or health care professional of the same licensure"

44. Page 19, line 9.
Following: "subsection (4), each"
Strike: "clinical peer"
Insert: "physician or health care professional of the same licensure"

45. Page 19, line 19.
Strike: "(11)(e)(iii)"
Insert: "(11)(f)(iii)"

46. Page 20, line 1.
Following: "issuer shall"
Strike: "make"
Insert: "disclose"

47. Page 20, line 1.
Following: "subsection (6)"
Strike: "known"

48. Page 20, line 2.
Following: "authorized representative"
Insert: ", in writing:
(a) in the notice of adverse determination that is the subject of the grievance; or
(b) in a separate notice sent"

49. Page 20, line 15.
Following: "30 days"
Insert: "in the case of a prospective review or 60 days in the case of a retrospective review"

50. Page 20, line 29.
Following: "credentials of each"
Strike: "person"
Insert: "physician or health care professional of the same licensure"

51. Page 21, line 1.
Following: "provider,"
Insert: "and"

52. Page 21, line 1 through line 2.
Following: "claim amount" on line 1
Strike: ", the diagnosis" on line 1 through the second "corresponding meaning" on line 2

53. Page 21, line 3.
Following: line 2
Insert: " (c) a statement describing the availability, upon request, of the diagnosis code and its corresponding meaning and the treatment code and its corresponding meaning. On receiving a request for a diagnosis or treatment code, the health insurance issuer shall provide the information as soon as practicable. A health insurance issuer may not consider a request for the diagnosis code and treatment information, in itself, to be a request to file a grievance for review of an adverse determination pursuant to [sections 10 through 16] or a request for external review as outlined in [sections 17 through 31]."
Renumber: subsequent subsections

54. Page 21, line 3.
Following: "statement from the"
Strike: "persons"
Insert: "physicians or health care professionals of the same licensure"

55. Page 21, line 5.
Strike: "persons"
Insert: "physicians or health care professionals of the same licensure"

56. Page 21, line 10.
Strike: "(11)(e)"
Insert: "(11)(f)"

57. Page 22, line 1.
Strike: "(11)(e)(iv)"
Insert: "(11)(f)(iv)"

58. Page 22, line 3.
Strike: "(11)(e)(v)"
Insert: "(11)(f)(v)"

59. Page 22, line 13.
Strike: "(11)(e)(ix)"
Insert: "(11)(f)(ix)"

60. Page 22, line 27.
Following: line 27
Strike: "appropriate clinical peers"
Insert: "physicians or health care professionals of the same licensure"

61. Page 22, line 27.
Following: "An appointed"
Strike: "clinical peer"
Insert: "physician or health care professional of the same licensure"

62. Page 23, line 17.
Following: "credentials of each"
Strike: "person"
Insert: "physician or health care professional of the same licensure"

63. Page 23, line 18 through line 19.
Following: "including" on line 18
Strike: "as applicable"

64. Page 23, line 19.
Following: "health care provider,"
Insert: "and, if applicable,"

65. Page 23, line 19 through 20.
Following: "the claim amount"
Strike: ", the diagnosis code and" through the second "meaning" on line 20

66. Page 23, line 21.
Following: line 20
Insert: "(c) a statement describing the availability, upon request, of the diagnosis code and its corresponding meaning and the treatment code and its corresponding meaning. On receiving a request for a diagnosis or treatment code, the health insurance issuer shall provide the information as soon as practicable. A health insurance issuer may not consider a request for the diagnosis code and treatment information, in itself, to be a request to file a grievance for external review as outlined in [sections 17 through 31]."
Renumber: subsequent subsections

67. Page 23, line 21.
Following: "a statement"
Strike: "of the reviewers'"
Insert: "from the physicians or health care professionals of the same licensure participating in the review of their"

68. Page 23, line 22.
Strike: "reviewers"
Insert: "physicians or health care professionals of the same licensure"

69. Page 24, line 15.
Strike: "(8)(e)(iv)"
Insert: "(8)(f)(iv)"

70. Page 24, line 17.
Strike: "(8)(e)(v)"
Insert: "(8)(f)(v)"

71. Page 24, line 20.
Following: "statement"
Insert: ", if applicable"

72. Page 24, line 27.
Strike: "(8)(e)"
Insert: "(8)(f)"

73. Page 28, line 3.
Following: "request for external review to"
Strike: "the office of the insurance commissioner"
Insert: "us"

74. Page 28, line 4.
Following: "number of the"
Strike: "office of the insurance commissioner"
Insert: "unit of the health insurance issuer that administers the external review program"

75. Page 28, line 5.
Following: "(3)"
Insert: "(a)"
Renumber: subsequent subsections

76. Page 28, line 6.
Following: "The notice must"
Insert: "also"

77. Page 28, line 8.
Following: ", and"
Insert: ", if applicable,"

78. Page 28, line 8.
Following: "the claim amount"
Strike: ", if applicable"

79. Page 28, line 9 through line 10.
Strike: "a statement" on line 9 through "corresponding meaning." on line 10
Insert: "a statement describing the availability, upon request, of the diagnosis code and its corresponding meaning and the treatment code and its corresponding meaning. On receiving a request for a diagnosis or treatment code, the health insurance issuer shall provide the information as soon as practicable. A health insurance issuer may not consider

a request for the diagnosis code and treatment information, in itself, to be a request for an external review as outlined in [sections 17 through 31]."

80. Page 28, line 11 through line 13.
Strike: subsection (b) in its entirety

81. Page 28, line 19.
Following: "representative within"
Strike: "30 days of"
Insert: "the time period provided in [section 15 or 16], as applicable, after"

82. Page 29, line 23.
Following: "[section"
Strike: "22"
Insert: "24"

83. Page 29, line 25.
Following: "[section"
Strike: "23"
Insert: "24"

84. Page 30, line 16.
Strike: "commissioner"
Insert: "health insurance issuer"

85. Page 31, line 1 through line 2.
Following: "issuer within" on line 1
Strike: "30 days following" on lines 1 and 2
Insert: "the time period provided in [section 15 or 16], as applicable, from"

86. Page 32, line 13.
Following: "(1) Within"
Strike: "6"
Insert: "4"

87. Page 32, line 16.
Following: "with the"
Strike: "commissioner"
Insert: "health insurance issuer"

88. Page 32, line 17 through line 19.
Following: "(2) Within" on line 17
Strike: "1 business day" on line 17 through "(3) Within" on line 19
Renumber: subsequent subsections

89. Page 32, line 19.
Following: "receipt of"
Strike: "the copy of"

90. Page 32, line 19 through line 20.
Following: "external review request" on line 19
Strike: "from the commissioner"

91. Page 33, line 4.
Following: "(4)"
Insert: "(a)"

92. Page 33, line 5.
Following: "notify the"
Strike: "commissioner and the"

93. Page 33, line 7.
Strike: "(a)"
Insert: "(i)"

94. Page 33, line 8.
Strike: "(b)"
Insert: "(ii)"

95. Page 33, line 9.
Strike: "(5)(a)"
Insert: "(b)(i)"

96. Page 33, line 9.
Following: "shall inform"
Strike: "the commissioner and"

97. Page 33, line 12.
Strike: "(b)"
Insert: "(ii)"

98. Page 33, line 12 through line 13.
Following: "shall inform" on line 12
Strike: "the commissioner and"

99. Page 33, line 16.
Following: "subsection"
Strike: "(5)"
Insert: "(3)"

100. Page 33, line 17.
Following: "subsection"
Strike: "(5)"
Insert: "(3)"

101. Page 33, line 21.
Following: "commissioner receives"
Strike: "a request under [section 20]"
Insert: "an appeal under subsection (4)"

102. Page 33, line 24.
Following: "under subsection"
Strike: "(7)(a)"
Insert: "(5)(a)"

103. Page 33, line 26 through line 28.
Following: "(8)" on line 26
Strike: "Whenever" on line 26 through "notice:" on line 28

104. Page 33, line 29.
Following: "(a)"
Insert: "If the request is eligible for external review, the health insurance issuer shall within 1 business day"

105. Page 33, line 29.
Following: "review organization"
Insert: "on a random basis, or using another method of assignment that ensures the independence and impartiality of the assignment process,"

106. Page 34, line 1.
Following: "review"
Strike: ";"
Insert: "."

107. Page 34, line 2 through line 5.
Strike: subsection (b) through subsection (c) in their entirety
Insert: " (b) In making the assignment, the health insurance issuer shall consider whether an independent review organization is qualified to conduct the particular external review based on the nature of the health care service or treatment that is the subject of the adverse determination or final adverse determination.

(c) The health insurance issuer shall also take into account other circumstances, including conflict of interest concerns pursuant to [section 27(4)]."

108. Page 34, line 10.
Following: line 9

Insert: " (8) Within 1 business day of assigning an independent review organization pursuant to subsection (6), the health insurance issuer shall notify, in writing, the covered person or, if applicable, the covered person's authorized representative that the health insurance issuer initiated an external review."

109. Page 34, line 10.
Following: "(10) The"
Strike: "commissioner"
Insert: "health insurance issuer"

110. Page 34, line 12.
Following: "organization within"
Strike: "5"
Insert: "10"

111. Page 34, line 15.
Following: "submitted within"
Strike: "5"
Insert: "10"

112. Page 34, line 16.
Following: "after the"
Strike: "5"
Insert: "10"

113. Page 34, line 18.
Following: "5 business days after"
Strike: "the date of receipt of the notice provided"
Insert: "assigning an independent review organization"
Following: "subsection"
Strike: "(8)"
Insert: "(6)"

114. Page 34, line 22.
Strike: "(13)"
Insert: "(12)"

115. Page 34, line 24.
Strike: "(11)"
Insert: "(10)"

116. Page 34, line 26.
Strike: "(11)"
Insert: "(10)"

117. Page 34, line 29.
Strike: "(13)(a)"
Insert: "(12)(a)"

118. Page 35, line 1.
Following: "health insurance issuer"
Strike: "and the commissioner"

119. Page 35, line 2.
Strike: "(13)"
Insert: "(12)"

120. Page 35, line 3.
Strike: "(11)"
Insert: "(10)"

121. Page 35, line 5.
Strike: "(10)"
Insert: "(9)"

122. Page 35, line 7.
Strike: "(10)"
Insert: "(9)"

123. Page 35, line 9.
Strike: "(15)"
Insert: "(14)"

124. Page 35, line 13.
Strike: "(16)"
Insert: "(15)"

125. Page 35, line 19.
Strike: "(18)"
Insert: "(17)"

126. Page 35, line 21.
Following: "authorized representative;"
Insert: "and"

127. Page 35, line 22.
Following: "organization"
Strike: "; and"
Insert: "."

128. Page 35, line 23.
Strike: subsection (iii) in its entirety

129. Page 35, line 25.
Strike: "(19)(a)"
Insert: "(18)(a)"

130. Page 35, line 26.
Strike: "(11)"
Insert: "(10)"

131. Page 35, line 27.
Following: "review organization"
Insert: "shall consider the following information and documents in making a decision"

132. Page 35, line 27 through line 28.
Following: "are available" on line 27
Strike: "and the" on line 27 through "decision" on line 28

133. Page 36, line 13.
Strike: "(20)(a) through (20)(f)"
Insert: "(19)(a) through (19)(f)"

134. Page 36, line 13 through line 14.
Following: "are available" on line 13
Strike: "and" on line 13 through "appropriate" on line 14

135. Page 36, line 18.
Following: "representative;"
Insert: "and"

136. Page 36, line 19.
Following: "health insurance issuer"
Strike: "; and"
Insert: "."

137. Page 36, line 20.
Strike: subsection (c) in its entirety

138. Page 36, line 21.
Strike: "(21)"
Insert: "(20)"

139. Page 36, line 23.
Following: "assignment from the"

Strike: "commissioner"
Insert: "health insurance issuer"

140. Page 37, line 1.
Strike: "(21)"
Insert: "(20)"

141. Page 37, line 4 through line 11.
Strike: subsection (24) in its entirety

142. Page 37, line 15.
Following: "review with the"
Strike: "commissioner"
Insert: "health insurance issuer"

143. Page 37, line 30 through page 38, line 2.
Following: "(2)"
Strike: "On receipt" on page 37, line 30 through "(3)" on page 38, line 2
Renumber: subsequent subsections

144. Page 38, line 2.
Following: "subsection"
Strike: "(2)"
Insert: "(1)"

145. Page 38, line 3.
Following: "[section 22"
Strike: "(3)"
Insert: "(2)"

146. Page 38, line 4.
Following: "notify the"
Strike: "commissioner and the"

147. Page 38, line 7.
Following: "subsection"
Strike: "(3)(b)"
Insert: "(2)(b)"

148. Page 38, line 8.
Following: "subsection"
Strike: "(3)(b)"
Insert: "(2)(b)"

149. Page 38, line 11.

Following: "review."
Insert: "The notice must also provide contact information for the commissioner's office."

150. Page 38, line 13.
Following: "22"
Strike: "(7)"
Insert: "(5)"

151. Page 38, line 15.
Following: "subsection"
Strike: "(5)(a)"
Insert: "(4)(a)"

152. Page 38, line 17.
Following: line 17
Strike: subsection (6) in its entirety
Insert: "(5)(a) If the request is eligible for external review, the health insurance issuer shall immediately assign an independent review organization on a random basis, or using another method of assignment that ensures the independence and impartiality of the assignment process, from the list of approved independent review organizations compiled and maintained by the commissioner pursuant to [section 26] to conduct the review.

(b) In making the assignment, the health insurance issuer shall consider whether an independent review organization is qualified to conduct the particular external review based on the nature of the health care service or treatment that is the subject of the adverse determination or final adverse determination.

(c) The health insurance issuer shall also take into account other circumstances, including conflict of interest concerns pursuant to [section 27(4)]."

153. Page 38, line 22.
Following: "subsection"
Strike: "(10)"
Insert: "(9)"

154. Page 38, line 26.
Following: "(8)"
Strike: "On receipt of the commissioner's notice containing the name of the"
Insert: "Upon assigning an"

155. Page 38, line 27.
Following: line 27
Strike: "assigned to conduct the expedited external review"

156. Page 39, line 1.
Following: "subsection"
Strike: "(8)"

Insert: "(7)"

157. Page 39, line 2 through line 3.
Following: "are available" on line 2
Strike: "and the independent review organization considers them appropriate"

158. Page 39, line 3.
Strike: "(20)"
Insert: "(19)"

159. Page 39, line 7.
Following: "[section 22"
Strike: "(3)"
Insert: "(2)"

160. Page 39, line 10.
Following: "insurance issuer"
Strike: "and the commissioner"

161. Page 39, line 11.
Following: "subsection"
Strike: "(10)(a)"
Insert: "(9)(a)"

162. Page 39, line 14.
Following: "insurance issuer"
Strike: "and the commissioner"

163. Page 39, line 15.
Strike: "(22)"
Insert: "(21)"

164. Page 39, line 21 through line 28.
Strike: subsection (13) in its entirety

165. Page 40, line 1.
Following: "Within"
Strike: "6"
Insert: "4"

166. Page 40, line 6.
Following: "review with the"
Strike: "commissioner"
Insert: "health insurance issuer"

167. Page 40, line 12.
Following: "(b)"
Strike: "On"
Insert: "(i) Upon"

168. Page 40, line 12 through line 14.
Following: "external review," on line 12
Strike: "the commissioner" on line 12 through "subsection (2)(b)," on line 14
Renumber: subsequent subsections

169. Page 40, line 15.
Following: "determine"
Insert: "and notify the covered person or, if applicable, the covered person's authorized representative"

170. Page 40, line 16 through line 17.
Strike: subsection (ii) in its entirety
Renumber: subsequent subsections

171. Page 40, line 19.
Following: "subsection"
Strike: "(2)(c)(ii)"
Insert: "(2)(b)(i)"

172. Page 40, line 20.
Following: "subsection"
Strike: "(2)(c)(ii)"
Insert: "(2)(b)(i)"

173. Page 40, line 23.
Following: "review."
Insert: "The notice must also provide contact information for the commissioner's office."

174. Page 40, line 27.
Following: "subsection"
Strike: "(2)(d)(i)"
Insert: "(2)(c)(i)"

175. Page 40, line 29 through page 41, line 4.
Following: line 9
Strike: subsection (e) in its entirety
Insert: "(d)(i) If the request is eligible for expedited external review, the health insurance issuer shall immediately assign an independent review organization on a random basis, or using another method of assignment that ensures the independence and impartiality of the assignment process, from the list of approved independent review organizations compiled

and maintained by the commissioner pursuant to [section 26] to conduct the external review.

(ii) In making the assignment, the health insurance issuer shall consider whether an independent review organization is qualified to conduct the particular external review based on the nature of the health care service or treatment that is the subject of the adverse determination or final adverse determination.

(iii) The health insurance issuer shall also take into account other circumstances, including conflict of interest concerns pursuant to [section 27(4)]."

176. Page 41, line 5.
Following: "(f)"
Strike: "On" through "subsection (2)(e)" on line 6
Insert: "Upon assigning an independent review organization"

177. Page 41, line 10 through line 12.
Following: line 10
Strike: subsection (3) in its entirety
Insert: "(3) Upon receipt of a request for standard external review, the health insurance issuer shall, within 5 business days, determine whether the request meets the eligibility requirements of subsection (4)."

178. Page 41, line 13 through line 14.
Following: "(4)"
Strike: "Within" on line 13 through "subsection (3)," on line 14
Insert: "In accordance with the timeframes in subsections (2)(b) and (3),"

179. Page 42, line 11.
Following: "treatments;"
Insert: "and"

180. Page 42, line 13.
Following: "[section 14(2)]"
Strike: "; and"
Insert: "."

181. Page 42, lines 14 and 15.
Strike: subsection (f) in its entirety

182. Page 42, line 16.
Following: "(5)"
Insert: "(a)"

183. Page 42, line 17.
Following: "notify"
Strike: "the commissioner and"

184. Page 42, line 19.
Strike: "(a)"
Insert: "(i)"

185. Page 42, line 20.
Strike: "(b)"
Insert: "(ii)"

186. Page 42, line 21.
Strike: "(6)(a)"
Insert: "(b)(i)"
Renumber: subsequent subsections

187. Page 42, line 21.
Following: "inform"
Strike: "the commissioner and"

188. Page 42, line 24.
Strike: "(b)"
Insert: "(ii)"

189. Page 42, line 24 through line 25.
Following: "shall inform" on line 24
Strike: "the commissioner and"

190. Page 42, line 28.
Strike: "(6)"
Insert: "(5)"

191. Page 42, line 29.
Strike: "(6)"
Insert: "(5)"

192. Page 43, line 2.
Following: "review."
Insert: "The notice must also provide contact information for the commissioner's office."

193. Page 43, line 4.
Following: "notify"
Strike: "the commissioner and"

194. Page 43, line 6 through line 14.
Following: line 6
Strike: subsection (9) in its entirety
Insert: "(8)(a) If the request is eligible for external review, the health insurance issuer shall within

1 business day assign an independent review organization on a random basis, or using another method of assignment that ensures the independence and impartiality of the assignment process, from the list of approved independent review organizations compiled and maintained by the commissioner pursuant to [section 26] to conduct the external review.

(b) In making the assignment, the health insurance issuer shall consider whether an independent review organization is qualified to conduct the particular external review based on the nature of the health care service or treatment that is the subject of the adverse determination or final adverse determination.

(c) The health insurance issuer shall also take into account other circumstances, including conflict of interest concerns pursuant to [section 27(4)].

(9) Within 1 business day of assigning an independent review organization pursuant to subsection (2)(d) or (8), the health insurance issuer shall notify in writing the covered person or, if applicable, the covered person's authorized representative that the health insurance issuer initiated an external review."

195. Page 43, line 15.
Following: "The"
Strike: "commissioner"
Insert: "health insurance issuer"

196. Page 43, line 18.
Strike: "5"
Insert: "10"

197. Page 43, line 20.
Following: "within"
Strike: "5"
Insert: "10"

198. Page 43, line 21.
Following: "after the"
Strike: "5"
Insert: "10"

199. Page 43, line 25.
Following: "select"
Strike: "one" through "subsection (12)" on line 26
Insert: "a clinical peer, or multiple peers if medically appropriate under the circumstances"

200. Page 44, line 13.
Following: "after"
Strike: "the date of receipt of the notice provided"
Insert: "assigning an independent review organization"

201. Page 48, line 16 through line 23.
Strike: subsection (23) in its entirety

202. Page 50, line 6.
Following: "sections 22"
Strike: "and 23"
Insert: ", 23, and 24"

203. Page 53, line 7.
Strike: "January"
Insert: "March"

204. Page 53, line 17.
Following: "section 22"
Strike: "(18)"
Insert: "(17) or 24(15)"

205. Page 53, line 20.
Strike: "and"

206. Page 53, line 21.
Insert: "(f) a record of the requests for external review that the health insurance issuer did not assign to a specific independent review organization according to the scheduled rotation due to lack of qualification; and"
Renumber: subsequent subsections

207. Page 53, line 24.
Strike: "by state and"

208. Page 53, line 26.
Strike: "from the commissioner"

209. Page 53, line 28.
Strike: "January"
Insert: "March"

210. Page 55.
Following: line 5
Insert: "Section 32. Section 33-30-102, MCA, is amended to read:

"33-30-102. Application of this chapter -- construction of other related laws. (1) All health service corporations are subject to the provisions of this chapter. In addition to the provisions contained in this chapter, other chapters and provisions of this title apply to health service corporations as follows: 33-2-1212; 33-3-307; 33-3-308; 33-3-401; 33-3-431; 33-3-701 through 33-3-704; 33-17-101; Title 33, chapter 2, part 19; Title 33, chapter 17, parts 2 and 10 through 12; and Title 33, chapters 1, 15, 18, 19, ~~and~~ 22, <u>and 32,</u> except 33-22-111.

(2) A law of this state other than the provisions of this chapter applicable to health service corporations must be construed in accordance with the fundamental nature of a health service corporation, and in the event of a conflict, the provisions of this chapter prevail.""

Insert: "Section 33. Section 33-31-111, MCA, is amended to read:

"33-31-111. Statutory construction and relationship to other laws. (1) Except as otherwise provided in this chapter, the insurance or health service corporation laws do not apply to a health maintenance organization authorized to transact business under this chapter. This provision does not apply to an insurer or health service corporation licensed and regulated pursuant to the insurance or health service corporation laws of this state except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter.

(2) Solicitation of enrollees by a health maintenance organization granted a certificate of authority or its representatives is not a violation of any law relating to solicitation or advertising by health professionals.

(3) A health maintenance organization authorized under this chapter is not practicing medicine and is exempt from Title 37, chapter 3, relating to the practice of medicine.

(4) This chapter does not exempt a health maintenance organization from the applicable certificate of need requirements under Title 50, chapter 5, parts 1 and 3.

(5) This section does not exempt a health maintenance organization from the prohibition of pecuniary interest under 33-3-308 or the material transaction disclosure requirements under 33-3-701 through 33-3-704. A health maintenance organization must be considered an insurer for the purposes of 33-3-308 and 33-3-701 through 33-3-704.

(6) This section does not exempt a health maintenance organization from:

(a) prohibitions against interference with certain communications as provided under Title 33, chapter 1, part 8;

(b) the provisions of Title 33, chapter 22, part 19;

(c) the requirements of 33-22-134 and 33-22-135;

(d) network adequacy and quality assurance requirements provided under chapter 36; or

(e) the requirements of Title 33, chapter 18, part 9.

(7) Title 33, chapter 1, parts 12 and 13, Title 33, chapter 2, part 19, 33-2-1114, 33-2-1211, 33-2-1212, 33-3-401, 33-3-422, 33-3-431, 33-15-308, Title 33, chapter 17, Title 33, chapter 19, 33-22-107, 33-22-129, 33-22-131, 33-22-136, 33-22-137, 33-22-138, 33-22-141, 33-22-142, 33-22-152, 33-22-153, 33-22-156 through 33-22-159, 33-22-244, 33-22-246, 33-22-247, 33-22-514, 33-22-515, 33-22-521, 33-22-523, 33-22-524, 33-22-526, 33-22-706, Title 33, chapter 32[, and Title 33, chapter 40, part 1,] apply to health maintenance organizations. (Bracketed language in (7) terminates December 31, 2017--sec. 14, Ch. 363, L. 2013.)""

Renumber: subsequent sections

211. Page 56, line 9.

Strike: "in an external review"

212. Page 56, line 28.

Insert: "(9) “Cost sharing” means the share of costs that a covered member pays under the health insurance issuer’s health plan, including maximum out-of-pocket, deductibles, coinsurance, copayments, or similar charges, but does not include premiums, balance billing amounts for out-of-network providers, or the cost of noncovered services."

Renumber: subsequent subsections

213. Page 57, line 4.
Following: ""Emergency medical condition""
Strike: remainder of subsection (12)
Insert: "has the meaning provided in 33-36-103."

214. Page 57, line 9.
Following: ""Emergency services""
Strike: remainder of subsection (13)
Insert: "has the meaning provided in 33-36-103."

215. Page 58, line 1.
Following: "subsection"
Strike: "(2)(a)"
Insert: "(18)(a)"

216. Page 58, line 25.
Strike: "patient"
Insert: "covered person"

217. Page 59, line 11.
Strike: "(28)(c)"
Insert: "(29)(c)"

218. Page 59, line 15.
Strike: "(28)(a)"
Insert: "(29)(a)"

219. Page 60, line 30.
Strike: "The"
Insert: "Except as provided in subsections (2) and (3), the"

And, as amended, do pass. Report adopted.

SB 99, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 8.
Strike: "RETAIN" on line 6 through "INSURANCE" on line 8
Insert: "REMOVE THE PURCHASING"

2. Title, page 1, line 9 through line 12.
Strike: "PROVIDING" on line 9 through "PROGRAM;" on line 12
Insert: "SHIFTING THE AUTHORITY OF THE BOARD OF DIRECTORS OF THE SMALL BUSINESS HEALTH INSURANCE POOL TO THE INSURANCE COMMISSIONER;

REMOVING AUTHORITY TO SEEK A FEDERAL WAIVER FOR MEDICAID MATCHING FUNDS; APPROPRIATING 9% OF PREMIUM TAX TO FUND THE INSURE MONTANA PROGRAM;"

3. Title, page 1, line 12.
Strike: "15-30-2110" through "15-31-511,"
Insert: "33-2-708,"

4. Title, page 1, line 13.
Strike: "45-6-301,"

5. Title, page 1, line 15.
Strike: "AND AN APPLICABILITY DATE"

6. Page 1, line 19 through page 8, line 27.
Strike: section 1 through section 3 in their entirety
Insert: "Section 1. Section 33-2-708, MCA, is amended to read:

"33-2-708. Fees and licenses. (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of $1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

(b) The commissioner shall collect certain additional fees as follows:
(i) nonresident insurance producer's license:
(A) application for original license, including issuance of license, if issued, $100;
(B) biennial renewal of license, $50;
(C) lapsed license reinstatement fee, $100;
(ii) resident insurance producer's license lapsed license reinstatement fee, $100;
(iii) surplus lines insurance producer's license:
(A) application for original license and for issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(iv) insurance adjuster's license:
(A) application for original license, including issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(v) insurance consultant's license:
(A) application for original license, including issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(vi) viatical settlement broker's license:
(A) application for original license, including issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(vii) resident and nonresident rental car entity producer's license:
(A) application for original license, including issuance of license, if issued, $100;
(B) quarterly filing fee, $25;

(viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), $50;

(ix) navigator certification:

(A) application for original certification, including issuance of certificate if issued, $100;

(B) biennial renewal of certification, $50;

(C) lapsed certification reinstatement fee, $100;

(x) 50 cents for each page for copies of documents on file in the commissioner's office.

(c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.

(2) (a) The commissioner shall charge a fee of $75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than $1,500 to a sponsoring organization submitting courses or programs for review in any biennium.

(b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).

(3) (a) Except as provided in subsection (3)(b), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.

(b) The commissioner shall deposit 33% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.

(c) The commissioner shall deposit 9% of the money collected under 33-2-705 in the state special revenue fund to the credit of the commissioner's office for the sole purpose of operating the insure Montana program provided in Title 33, chapter 22, part 20.

~~(c)~~(d) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.

(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of $10 will be refunded.""

Renumber: subsequent sections

7. Page 10, line 18.
Following: "**Establishment of**"
Strike: "**small business health insurance pool**"
Insert: "insure Montana program"

8. Page 10, line 19 through 20.
Following: "known as the"
Strike: "small business" on line 19 through "pool" on line 20
Insert: "insure Montana program"

9. Page 10, line 21.
Following: "(2) The"
Insert: "members of the previous"

10. Page 10, line 21.

Following: "insurance pool"
Strike: "is"
Insert: ","

11. Page 10, line 22.
Following: "33-22-1817"
Insert: ", at the time of the creation of the insure Montana program must become members of the insure Montana program without interruption of the benefits provided under this part if they qualify for membership in the insure Montana program"

12. Page 10, line 23 through line 24.
Strike: subsection (3) in its entirety
Insert: "(3) The insure Montana program shall provide assistance to eligible small employers for the purchasing of group health plan coverage issued on or after January 1, 2015, and approved by the commissioner for the purposes of this part."

13. Page 10, line 25.
Strike: "board"
Insert: "commissioner"

14. Page 11, line 1.
Strike: "12 months"
Insert: "90 days"

15. Page 11, line 2.
Strike: "within that small group"

16. Page 11, line 3 through line 5.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

17. Page 11, line 15 through page 21, line 17.
Strike: sections 7 through 12 in their entirety
Insert: "Section 5. Section 33-22-2002, MCA, is amended to read:

"33-22-2002. ~~Small business health insurance pool~~ Insure Montana program -- definitions. As used in this part, the following definitions apply:

~~(1) "Board" means the board of directors of the small business health insurance pool as provided for in 33-22-2003.~~

~~(2)~~(1) "Dependent" has the meaning provided in 33-22-1803.

~~(3)~~(2) (a) "Eligible small employer" means an employer who is sponsoring or will sponsor a group health plan and who employed at least ~~two~~ 1 but not more than ~~nine~~ 25 employees during the preceding calendar year and who employs at least ~~two~~ 1 but not more than ~~nine~~ 25 employees on the first day of the plan year.

(b) The term includes small employers who obtain group health plan coverage through a qualified association health plan.

~~(4)~~(3) "Employee" means an eligible employee as defined in 33-22-1803.

~~(5)~~(4) "Group health plan" means health insurance coverage offered in connection with a group health plan or health insurance coverage offered to an eligible group as described in 33-22-501, issued on or after January 1, 2015, and approved by the commissioner for purposes of this part.

~~(6)~~(5) "Premium" means the amount of money that a health insurance issuer charges to provide coverage under a group health plan.

~~(7)~~(6) "Premium assistance payment" means a payment provided for in 33-22-2006 on behalf of employees who qualify to be applied on a monthly basis to premiums paid for a group health plan ~~coverage through the purchasing pool~~ or a ~~through~~ qualified association health ~~plans~~ plan.

~~(8)~~(7) "Premium incentive payment" means a payment provided for in 33-22-2007(1)(b) to eligible small employers who qualify under 33-22-2007 to be applied to premiums paid on a monthly basis for a group health plan ~~coverage obtained through the purchasing pool or through~~ or a qualified association health ~~plans~~ plan.

~~(9) "Purchasing pool" means the small business health insurance pool.~~

~~(10)~~(8) "Qualified association health plan" means a plan established by an association whose members consist of employers who sponsor group health plans for their employees and purchase that coverage through an association that qualifies as a bona fide association, as defined in 33-22-1803, or nonbona fide, as provided for in administrative rule. A qualified association health plan is subject to applicable employer group health insurance law and must receive approval from the commissioner to operate as a qualified association health plan for the purposes of this part.

~~(11)~~(9) "Related employers" means:

(a) affiliates or affiliated entities or persons who directly or indirectly, through one or more intermediaries, control, are controlled by, or are under common control with a specified entity or person; or

(b) entities or persons that are eligible to file a combined or joint tax return for purposes of state taxation.

~~(12)~~(10) "Tax credit" means a refundable tax credit as provided for in 33-22-2008.

~~(13)~~(11) "Tax year" means the taxpayer's tax year for federal income tax purposes.""

Insert: "Section 6. Section 33-22-2005, MCA, is amended to read:

"33-22-2005. Duties of commissioner -- rulemaking authority. ~~Subject to the conditions in 53-6-1201, the~~ (1) The commissioner shall:

~~(1)~~(a) adopt rules regarding the implementation of this part, including rules regarding the administration of the premium incentive payments, premium assistance payments, and tax credits, the approval of qualified association health plans, and the registration process. The rules regarding tax credits may not relate to the filing of tax returns and claiming the tax credit on the tax returns.

~~(2)~~(b) supervise the creation of the ~~purchasing pool~~ insure Montana program within the limits described in this part;

~~(3) approve or disapprove the operating plan for the purchasing pool;~~

~~(4) if the board chooses to hire one, approve or disapprove the selection of a third-party administrator to handle the administration of the purchasing pool;~~

~~(5) with the assistance of the department of public health and human services, approve or disapprove the schedule of premium incentive payment or premium assistance payment amounts adopted by the board as provided in 33-22-2004;~~

~~(6) approve or disapprove any contracts between a health insurance issuer and the purchasing pool;~~

~~(7) approve or disapprove all group health plans being offered by insurers through the purchasing pool;~~

~~(8) conduct periodic audits of the financial transactions conducted by the purchasing pool;~~

~~(9) allow up to 30%, or more if requested by the board and approved by the commissioner, of the available funding for the premium incentive payments and premium assistance payments to be applied to small group health plan coverage purchased through a qualified association health plan;~~

~~(10) make applicable premium incentive payments or premium assistance payments for qualified association health plan coverage on behalf of eligible small employers and employees or direct the purchasing pool to make the payments; and~~

~~(11) approve or disapprove associations as qualified if their members consist of employers who sponsor group health plan coverage for their employees and purchase that coverage through an association that qualifies as a bona fide association, as defined in 33-22-1803, or nonbona fide, as provided for in administrative rule. A qualified association health plan is subject to applicable employer group health insurance law.~~

(c) establish an operating plan that includes but is not limited to administrative and accounting procedures for the operation of the insure Montana program and a schedule for premium incentive payments and premium assistance payments and that complies with the powers and duties provided for in this section;

(d) require eligible small employers and employees to reapply for premium incentive payments or premium assistance payments on an annual basis;

(e) upon timely reapplication, give priority to eligible small employers and their employees who are already receiving the premium incentive payments and premium assistance payments. If the reapplication is more than 30 days late, the priority will not be given and the eligible small employer will be added to the waiting list provided for in 33-22-2008.

(f) adopt a premium incentive payment schedule that is based on a percentage of the eligible small employer's share of the premium and apply the schedule uniformly to all registered eligible small employers who provide group health plan coverage;

(g) adopt premium assistance payment amounts that, in combination with the premium incentive payments, are consistent with the amounts provided for in 33-22-2006 and 33-22-2008 or adopt a premium assistance payment schedule that is equitably proportional to the income or wage level for employees;

(h) establish criteria for determining which employees will be eligible for a premium assistance payment and the amount that the employees will receive from among those eligible small employers that have registered with the commissioner pursuant to 33-22-2008 and applied for coverage under a group health plan;

(i) make appropriate changes to eligibility for other elements in the operating plan as needed to reach the goal of expanding 100% of the funding dedicated to premium incentive payments and premium assistance payments during the current biennium; and

(j) limit the total amount of premium incentive payments and premium assistance payments paid to the amount of available state, federal, and private funding.

(2) The commissioner may:

(a) assess members for costs associated with administration of the insure Montana program and transfer funds or request that the department of public health and human services transfer

funds from the health and medicaid initiatives special revenue account, as provided in 53-6-1201, for that purpose;

(b) set contribution levels for eligible small employers;

(c) at least 30 days before the end of the current fiscal year, transfer funds from the funds appropriated for premium incentive payments and premium assistance payments to the department of revenue for reimbursement of the general fund to offset tax credits if the number of eligible small employers seeking premium incentive payments and employees receiving premium assistance payments is insufficient to exhaust the appropriated funds for the premium incentive payments and premium assistance payments during a fiscal year;

(d) at least 90 days before the end of the current fiscal year, transfer funds from the funds allocated for tax credits to the funds appropriated for premium incentive payments and premium assistance payments if the number of eligible small employers seeking tax credits is insufficient to exhaust the funds allocated for tax credits during a fiscal year; and

(e) make premium payments to insurers on behalf of the eligible small employers and employees.""

Insert: "Section 7. Section 33-22-2006, MCA, is amended to read:

"33-22-2006. Premium incentive payments, premium assistance payments, and tax credits for small employer health insurance premiums paid ~~-- eligibility for small group coverage~~ -- amounts. (1) An employer is eligible to apply for premium incentive payments and premium assistance payments or a tax credit under this part if the employer and any related employers:

(a) did not have more than the number of employees established for eligibility by the commissioner at the time of registering for premium incentive payments or premium assistance payments or a tax credit under 33-22-2008;

(b) provide or will provide a group health plan that meets the requirements of creditable coverage for the employer's and any related employer's employees;

(c) do not have delinquent state tax liability owing to the department of revenue from previous years; and

(d) have been registered as eligible small employer participants by the commissioner as provided in 33-22-2008.

(2) In addition to the requirements in subsection (1), a small employer is eligible to apply for a tax credit or a premium incentive payment under this part if the small employer and any related employers ~~do~~ did not have any employees, not including an owner, partner, or shareholder of the business, who received more than $75,000 in wages, as defined in 39-71-123, from the small employer or related employer in the prior tax year.

(3) In addition to the requirements of subsections (1) and (2), an owner, partner, or shareholder of an eligible small employer who received more than $75,000 in wages, as defined in 39-71-123, and those individuals' spouses who are employees are not eligible under this chapter for a tax credit for group health plan premiums paid by the eligible small employer for group health plan coverage for the individual or the individual's dependents.

(4) In addition to the requirements in subsection (1), an owner or employee is not eligible to apply for a premium assistance payment under this part if the owner or employee has a household income greater than 400% of the federal poverty level for the year in which an application or application renewal is made.

(5) Subject to the requirements of subsection (4), the ~~small business health insurance pool~~

insure Montana program may authorize a premium incentive payment for the premium share paid by an eligible small employer and related employers for a group health plan for:

(a) the owner or employee of the eligible small employer and related employers;

(b) a spouse of an owner or employee provided for in subsection (5)(a); or

(c) dependents of the owner or employee provided for in subsection (5)(a).

(6) An employee, including an owner, partner, or shareholder or any dependent of an employee, who is also eligible for the children's health insurance program provided for under Title 53, chapter 4, part 10, or medicaid under Title XIX of the Social Security Act may become ineligible to receive a premium assistance payment.

(7) The commissioner shall establish, by rule, the maximum number of employees that an employer may employ to be qualified as an eligible small employer under subsection (1). The maximum number may be different for eligible small employers seeking premium incentive payments and premium assistance payments than for eligible small employers seeking a tax credit. The number must be set to maximize the number of employees receiving coverage under this part. The commissioner may not change the maximum employee number more often than every 6 months. If the maximum number of allowable employees is changed, the change does not disqualify registered eligible small employers with respect to the tax year for which the eligible small employer has registered.

(8) Except as provided in subsection (3), an eligible small employer may claim a tax credit in the following amounts:

(a) (i) not more than $100 each month for each employee and $100 each month for each employee's spouse, if the eligible small employer covers the employee's spouse, if the average age of the group is under 45 years of age; or

(ii) not more than $125 each month for each employee and $100 each month for each employee's spouse, if the eligible small employer covers the employee's spouse, if the average age of the group is 45 years of age or older; and

(b) not more than $40 each month for each dependent, other than the employee's spouse, if the eligible small employer is paying for coverage for the dependents, not to exceed two dependents of an employee in addition to the employee's spouse.

(9) An eligible small employer may not claim a tax credit:

(a) in excess of 50% of the total premiums paid by the eligible small employer for the ~~qualifying small~~ group health plan;

(b) for premiums paid from a medical care savings account provided for in Title 15, chapter 61; or

(c) for premiums for which a deduction is claimed under 15-30-2131 or 15-31-114.

(10) An eligible small employer may not claim a premium incentive payment in excess of 50% of the total premiums paid by the eligible small employer for the ~~qualifying small~~ group health plan.""

Insert: "Section 8. Section 33-22-2007, MCA, is amended to read:

"33-22-2007. Filing for tax credit -- filing for premium incentive payments and premium assistance payments. (1) An eligible small employer may:

(a) apply the tax credit against taxes due for the current tax year on a return filed pursuant to Title 15, chapter 30 or 31; or

(b) apply to receive monthly premium incentive payments and premium assistance payments to be applied to ~~coverage obtained through the purchasing pool~~ group health plan or

qualified association health plan coverage approved by the commissioner.

(2) An eligible small employer may not, in the same tax year, apply the tax credit against taxes due for the current tax year as provided for in subsection (1)(a) and receive premium incentive payments as provided for in subsection (1)(b).

(3) The premium incentive payments and premium assistance payments provided for in subsection (1)(b) must be paid pursuant to a plan of operation implemented by the ~~board~~ commissioner and any applicable administrative rules.

(4) (a) If an eligible small employer's tax credit as provided in subsection (1)(a) exceeds the employer's liability under 15-30-2103 or 15-31-121, the amount of the excess must be refunded to the eligible small employer. The tax credit may be claimed even if the eligible small employer has no tax liability under 15-30-2103 or 15-31-121.

(b) A tax credit is not allowed under 15-30-2367, 15-31-132, or any other provision of Title 15, chapter 30 or 31, with respect to any amount for which a tax credit is allowed under this part.

(5) The department of revenue or the commissioner may grant a reasonable extension for filing a claim for premium incentive payments or premium assistance payments or a tax credit whenever, in the department's or the commissioner's judgment, good cause exists. The department of revenue and the commissioner shall keep a record of each extension and the reason for granting the extension.

(6) (a) If an employer that would have a claim under this part ceases doing business before filing the claim, the representative of the employer who files the tax return or pays the premium may file the claim.

(b) If a corporation that would have a claim under this part merges with or is acquired by another corporation and the merger or acquisition makes the previously eligible corporation ineligible for the premium incentive payments, premium assistance payments, or tax credit in the future, the surviving or acquired corporation may file for the premium incentive payments, premium assistance payments, or tax credit for any claim period during which the former eligible corporation remained eligible.

(c) If an employer that would have a claim under this part files for bankruptcy protection, the receiver may file for the premium incentive payments, premium assistance payments, or tax credit for any claim period during which the employer was eligible.""

Insert: "Section 9. Section 33-22-2008, MCA, is amended to read:

"33-22-2008. Registration -- funding limitations -- transfers -- maximum number -- waiting list -- information transfer for tax credits. (1) (a) Each eligible small employer that proposes to apply for premium incentive payments and premium assistance payments or a tax credit under this part must be registered each year with the commissioner.

(b) An eligible small employer may submit a new application for the premium incentive payments and premium assistance payments or the tax credit anytime during the year, but in order to maintain the employer's registration for the next year, the registration application must be renewed each year.

(c) The registration application must include the number of individuals covered, as of the date of the registration application, under the ~~small~~ group health plan for which the employer is seeking premium incentive payments and premium assistance payments or a tax credit. If, after the initial registration, the number of individuals increases, the employer may apply to register the additional individuals, but those additional individuals may be added only at the discretion of the commissioner, who shall limit enrollment based on available funds.

(d) A small employer is not eligible to apply for premium incentive payments and premium assistance payments or a tax credit for a number of employees, or the employees' spouses or dependents, over the number that has been established in 33-22-2006 as the maximum number of employees a small employer may have in order to qualify for registration for the time period in question.

(e) A small employer's registration for premium incentive payments and premium assistance payments or a tax credit is irrevocable for 12 months or until the ~~purchasing pool~~ group health plan or qualified association health plan renews its registration, whichever time period is less. An eligible small employer may choose to discontinue receiving any premium incentive payments and premium assistance payments or tax credits at any time.

(2) The commissioner shall register qualifying eligible small employers in the order in which applications are received and according to whether the application is for premium incentive payments and premium assistance payments or a tax credit. Initially, 60% of the available funding must be dedicated to provide and maintain premium incentive payments and premium assistance payments for eligible small employers who ~~chose to join the purchasing pool~~ offer a group health plan or a qualified association health plan and 40% of the available funding must be dedicated to tax credits for eligible small employers who currently sponsor a ~~small~~ group health plan that provides creditable coverage. Funding may be transferred from the allocated fund for premium incentive payments and premium assistance payments to the general fund for tax credits or from the funds allocated for tax credits to the allocated fund for premium incentive payments and premium assistance payments ~~if the board requests the transfer~~ as provided in ~~33-22-2004 and the commissioner approves the request~~ 33-22-2005.

(3) (a) The maximum number of eligible small employers is reached when the anticipated amount of claims for premium incentive payments and premium assistance payments and tax credits has reached 100% of the amount of money allocated for premium incentive payments and premium assistance payments and tax credits.

(b) The commissioner may establish a waiting list for applicants that are otherwise qualified for registration but cannot be registered because of a lack of money or because the maximum number of eligible small employers has been reached.

(c) The commissioner shall mail to each employer registered under this section a notice of registration containing a unique registration number and indicating eligibility for either premium incentive payments and premium assistance payments or a tax credit. The commissioner shall also issue to each employer that is eligible for premium incentive payments and premium assistance payments or the tax credit a certificate, placard, sticker, or other evidence of participation that may be publicly posted.

(d) The commissioner shall notify all persons who applied for registration and who were not accepted that they were not registered and the reason that they were not registered.

(4) A prospective participant shall apply for registration on a form provided by the commissioner. The prospective participant shall:

(a) provide the number of employees and whether the employer qualifies under 33-22-2006;

(b) provide information that is necessary to estimate the amount of the premium incentive payments and premium assistance payments payable to the applicant or the amount of the tax credit available to the applicant, such as the ages of employees or dependents, relationships of employees' dependents, and information required by the department of public health and human services for determination of eligibility for premium assistance payments matched by federal funds;

(c) indicate whether the prospective employer intends to pursue the claim as a tax credit through the income tax process or through premium incentive payments and premium assistance payments to be applied toward ~~purchasing pool~~ group health plan or eligible qualified association health plan coverage; and

(d) provide any additional information determined by the commissioner to be necessary to support an application.

(5) Each year, an eligible small employer shall timely reregister with the commissioner in order to determine the participant's continued eligibility. The commissioner shall accept applications for continued registration:

(a) for ~~purchasing pool~~ premium incentive and premium assistance participants at any time within 12 months of the initial registration approval or within the time period for renewal of the group health plan coverage ~~under this part~~, whichever is longer;

(b) for tax credit participants on December 1 of each year. The commissioner shall stop accepting renewal applications for tax credit participants 60 calendar days later.

(6) The commissioner shall transmit to the department of revenue, at least annually, a list of eligible small employers that are taxpayers entitled to the tax credit and shall specify the taxpayer's name and tax identification number, the tax year to which the credit applies, the amount of the credit, and whether the credit is to be applied against taxes due on the taxpayer's return or paid as premium incentive payments or premium assistance payments. Unless there has been a finding of fraud or misrepresentation on the part of the taxpayer regarding issues relating to eligibility for the tax credit, the department of revenue may not redetermine or change the commissioner's determination regarding the taxpayer's entitlement to and amount of the tax credit.

~~(7) If the department of public health and human services receives approval for a section 1115 waiver as provided in 53-2-216, the commissioner shall work with the department of public health and human services with regard to eligibility determinations as required by federal law or waiver conditions.~~""

Renumber: subsequent sections

18. Page 21, line 26.
Following: "~~be paid or a~~"
Insert: "premium incentive payment or premium assistance payment to be paid or a"

19. Page 21, line 29.
Following: ~~payment or a tax credit~~
Insert: "or premium assistance payment or a tax credit"

20. Page 21, line 29.
Following: "entitled to"
Strike: "receive"

21. Page 22, line 6.
Following: "~~tax credits~~"
Insert: "and premium assistance payments or tax credits"

22. Page 22, line 7.

Strike: "health insurance benefits"
Insert: "group health plan coverage"

23. Page 22, line 9 through page 24, line 15.
Strike: section 14 in its entirety
Renumber: subsequent sections

24. Page 25, line 9 through line 10.
Strike: "premium incentive payments to eligible small employers"
Insert: "new tax credits"

25. Page 25, line 13.
Strike: "insure Montana small business"
Insert: "tax credit, the"

26. Page 25, line 14.
Strike: "program"
Insert: "payments, and the premium assistance payments"

27. Page 26, line 16.
Strike: "-- applicability"

28. Page 26, line 18.
Strike: "[Sections 6, 12, 18, and 19]"
Insert: "[Sections 1, 14, and 15]"

29. Page 26, line 18 through line 19.
Strike: ", and apply" on line 18 through "2016" on line 19

And, as amended, do pass. Report adopted.

SB 251, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "17-5-1527,"
Insert: "18-2-103, 18-2-111, 18-2-201, 18-2-301, 18-2-302,"
Following: "18-2-403,"
Insert: "18-2-421,"

2. Page 4.
Following: line 13
Insert: "Section 3. Section 18-2-103, MCA, is amended to read:

"18-2-103. Supervision of construction of buildings. (1) For the construction of a building costing more than $150,000, the department shall:

(a) review and accept all plans, specifications, and cost estimates prepared by architects

or consulting engineers;

(b) approve all bond issues or other financial arrangements and supervise and approve the expenditure of all money;

(c) solicit, accept, and reject bids and, except as provided in Title 18, chapter 2, part 5, award all contracts to the lowest qualified bidder considering conformity with specifications and terms and reasonableness of the bid amount;

(d) review and approve all change orders; and

(e) accept the building when completed according to accepted plans and specifications.

(2) The department may delegate on a project-by-project basis any powers and duties under subsection (1) to other state agencies, including units of the Montana university system, upon terms and conditions specified by the department.

(3) Before a contract under subsection (1) is awarded, two formal bids must have been received, if reasonably available.

(4) The department need not require the provisions of Montana law relating to advertising, bidding, or supervision when proposed construction costs are ~~$75,000 or~~ equal to or less than the amount required for a public works contract as defined in 18-2-401. However, with respect to a project having a proposed cost ~~of $75,000~~ equal to or less ~~but more than $25,000~~ than the amount required for a public works contract as defined in 18-2-401, the agency awarding the contract shall procure at least three informal bids from contractors registered in Montana, if reasonably available.

(5) For the construction of buildings owned or to be owned by a school district, the department shall, upon request, provide inspection to ensure compliance with the plans and specifications for the construction of the buildings. "Construction" includes construction, repair, alteration, equipping, and furnishing during construction, repair, or alteration. These services must be provided at a cost to be contracted for between the department and the school district, with the receipts to be deposited in the department's construction regulation account in a state special revenue fund.

(6) It is the intent of the legislature that student housing and other facilities constructed under the authority of the regents of the university system are subject to the provisions of subsections (1) through (3).

(7) The department of military affairs may act as the contracting agency for buildings constructed under the authority of 18-2-102(2)(d). However, the department of administration may agree to act as the contracting agency on behalf of the department of military affairs. Montana law applies to any controversy involving a contract.""

Insert: "Section 4. Section 18-2-111, MCA, is amended to read:

"18-2-111. Policy regarding practice of architecture -- preparation of working drawings by department limited. (1) It is the policy of the state not to engage in the practice of architecture. However, this policy may not be construed as prohibiting the department of administration from:

(a) engaging in preplanning functions necessary to prepare a building program for presentation to the legislature;

(b) supervising construction as provided in 18-2-105(7); or

(c) preparing working drawings for minor projects.

(2) The department of administration may not prepare working drawings for the construction of a building, with the exception of repair or maintenance projects, when the total cost

of the construction will exceed ~~$75,000~~ the cost of a public works contract as defined in 18-2-401.""

Insert: "Section 5. Section 18-2-201, MCA, is amended to read:

"18-2-201. Security requirements. (1) (a) Except as otherwise provided in 85-1-219 and subsections (3) through (5) of this section, whenever any board, council, commission, trustees, or body acting for the state or any county, municipality, or public body contracts with a person or corporation to do work for the state, county, or municipality or other public body, city, town, or district, the board, council, commission, trustees, or body shall require the person or corporation with whom the contract is made to make, execute, and deliver to the board, council, commission, trustees, or body a good and sufficient bond with a surety company, licensed in this state, as surety, conditioned that the person or corporation shall:

(i) faithfully perform all of the provisions of the contract;

(ii) pay all laborers, mechanics, subcontractors, and material suppliers; and

(iii) pay all persons who supply the person, corporation, or subcontractors with provisions, provender, material, or supplies for performing the work.

(b) The state or other governmental entity listed in subsection (1)(a) may not require that any bond required by subsection (1)(a) be furnished by a particular surety company or by a particular insurance producer for a surety company.

(2) The state or other governmental entity listed in subsection (1)(a) may, in lieu of a surety bond, permit the deposit with the contracting governmental entity or agency of the following securities in an amount at least equal to the contract sum to guarantee the faithful performance of the contract and the payment of all laborers, suppliers, material suppliers, mechanics, and subcontractors:

(a) lawful money of the United States; or

(b) a cashier's check, certified check, bank money order, certificate of deposit, money market certificate, bank draft, or irrevocable letter of credit, drawn or issued by:

(i) any federally or state-chartered bank or savings and loan association that is insured by or for which insurance is administered by the federal deposit insurance corporation; or

(ii) a credit union insured by the national credit union share insurance fund.

(3) Any board, council, commission, trustee, or body acting for any county, municipality, or public body other than the state may, subject to the provisions of subsection (1)(b), in lieu of a bond from a licensed surety company, accept good and sufficient bond with two or more sureties acceptable to the governmental entity.

(4) Except as provided in subsection (5), the state or other governmental entity may waive the requirements contained in subsections (1) through (3) for projects related to building or construction ~~projects~~, as defined in 18-2-101, that cost less than ~~$50,000~~ projects encompassed in the definition of a public works contract in 18-2-401.

(5) A school district may waive the requirements contained in subsections (1) through (3) for projects related to building or construction ~~projects~~, as defined in 18-2-101, that cost less than ~~$7,500~~ projects encompassed in the definition of a public works contract in 18-2-401.""

Insert: "Section 6. Section 18-2-301, MCA, is amended to read:

"18-2-301. Bids required -- advertising. (1) It is unlawful for any offices, departments, institutions, or any agent of the state of Montana acting for or ~~in~~ on behalf of the state to do, to cause to be done, or to let any contract for the construction of buildings or the alteration and

improvement of buildings and adjacent grounds on behalf of and for the benefit of the state when the amount involved is ~~$75,000 or more~~ within the definition of a public works contract in 18-2-401 without first advertising in at least one issue each week for 3 consecutive weeks in two newspapers published in the state, one of which must be published at the seat of government and the other in the county where the work is to be performed, calling for sealed bids to perform the work and stating the time and place bids will be considered.

(2) All work may be done, caused to be done, or contracted for only after competitive bidding.

(3) If responsible bids are not received after two attempts, the department or agency may contract for the work in a manner determined to be cost-effective for the state.

(4) This section does not apply to work done by inmates at an institution in the department of corrections.

(5) (a) The provisions of Montana law governing advertising and competitive bidding do not apply when the department of fish, wildlife, and parks is preserving or restoring the historic buildings and resources that it owns at Bannack if:

(i) the options listed in subsection (5)(b) are determined to be more cost-effective for the state; and

(ii) the implementation of the options listed in subsection (5)(b) is necessary to save historic buildings and resources from degradation and loss.

(b) For the preservation or restoration of historic buildings and resources at Bannack when the conditions listed in subsection (5)(a) are met, the department of fish, wildlife, and parks may accomplish the preservation or restoration through:

(i) a memorandum of understanding with a local, state, or federal entity or nonprofit organization when the entity or organization demonstrates the competence, knowledge, and qualifications to preserve or restore historic resources;

(ii) the use of qualified and trained department of fish, wildlife, and parks employees and volunteers;

(iii) a training program in historic preservation and restoration conducted by a qualified local, state, or federal entity or a qualified nonprofit organization; or

(iv) any combination of the options described in subsection (5)(b)."""

Insert: "Section 7. Section 18-2-302, MCA, is amended to read:

"18-2-302. Bid security -- waiver -- authority to submit. (1) (a) Except as provided in subsection (2), each bid must be accompanied by bid security in the amount of 10% of the bid. The security may consist of cash, a cashier's check, a certified check, a bank money order, a certificate of deposit, a money market certificate, or a bank draft. The security must be:

(i) drawn and issued by a federally chartered or state-chartered bank or savings and loan association that is insured by or for which insurance is administered by the federal deposit insurance corporation;

(ii) drawn and issued by a credit union insured by the national credit union share insurance fund; or

(iii) a bid bond or bonds executed by a surety company authorized to do business in the state of Montana.

(b) The state or other governmental entity may not require that a bid bond or bond provided for in subsection (1)(a)(iii) be furnished by a particular surety company or by a particular insurance

producer for a surety company.

(2) The state or other governmental entity may waive the requirements for bid security on projects related to building or construction ~~projects~~, as defined in 18-2-101, that cost less than ~~$25,000~~ projects encompassed in the definition of a public works contract in 18-2-401.

(3) The bid security must be signed by an individual authorized to submit the security by the corporation or other business entity on whose behalf the security is submitted. If the request for bid or other specifications provided by the state or other governmental entity specify the form or content of the bid security, the security submitted must comply with the requirements of that specification.""

Renumber: subsequent sections

3. Page 6, line 1.
Following: "$80,000"
Insert: "per year"

4. Page 7.
Following: line 29
Insert: "Section 10. Section 18-2-421, MCA, is amended to read:

"18-2-421. Notice. When a public works project is accepted by the public contracting agency, a notice of acceptance and the completion date of the project must be sent to the department. ~~However, in the case of public works contracts that amount to $50,000 or less in cost,~~ The department may request the notice of acceptance and the completion date of ~~the~~ a project ~~is not required unless the department requests that information~~ that does not meet the definition of a public works project in 18-2-401. The 90-day limitation for filing an action in district court, as provided in 18-2-407, does not begin until the public contracting agency notifies the department of its acceptance of the public works project.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 270, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND"

2. Title, page 1, line 5.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5, line 11.
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 292, introduced bill, be amended as follows:

1. Page 1, line 30.
Following: "insurer."
Insert: "However, prior authorization required under this subsection is not required for inpatient or emergency treatments."

2. Page 2, line 10.
Strike: "a pharmacist may not dispense"
Insert: "medications may not be dispensed for"

And, as amended, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 2/19/2015
SB 312, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 10.
Strike: "GRANTING" on line 8 through "REQUESTS;" on line 10

2. Title, page 1, line 11 through line 14.
Strike: "ALLOWING" on line 11 through "DECISION;" on line 14
Strike: ", 69-8-413," on line 14

3. Page 3, line 6.
Strike: "except as provided in 69-8-414,"

4. Page 3, line 13.
Strike: "Except as provided in 69-8-414, large"
Insert: "Large"

5. Page 4, line 19.
Strike: "(10)(c)"
Insert: "(10)(b)"

6. Page 4, line 20.
Strike: "denies"
Insert: "disallows"

7. Page 4, line 21.
Strike: "in accordance with 69-8-414"
Strike: "denial"
Insert: "disallowance"

8. Page 4, line 22.
Strike: "(c)"

9. Page 4, line 24.
Strike: "denial"
Insert: "disallowance"

10. Page 4, line 26 through page 5, line 11.
Strike: section 2 in its entirety
Renumber: subsequent sections

11. Page 5, line 17.
Strike: "A"
Insert: "Except as provided in subsection (1)(c), a"

12. Page 5.
Following: line 18
Insert: "(c) The department may not impose a penalty pursuant to this subsection (1) unless the department:

(i) provides notice to a utility or a large customer of the failure to file a timely report in accordance with 69-8-402(8) or (10); and

(ii) does not receive a report from the utility or a large customer within 20 business days of the notice required pursuant to subsection (1)(c)(i)."

13. Page 5, line 19.
Strike: "(c)"
Insert: "(d)"

14. Page 5, line 21.
Strike: "69-8-413(3)"
Insert: "69-8-413"

15. Page 5, line 26.
Strike: "(a)"
Strike: "Except as provided in subsection (3)(b), claimed"
Insert: "Claimed"

16. Page 6, line 5 through line 17.
Strike: line 5 through line 17 in their entirety

17. Page 6, line 18.
Following: "~~challenged~~"
Insert: "challenged"

18. Page 6, line 18 through line 19.
Strike: "challenged in accordance with subsection (2)"

19. Page 6, line 23.

Strike: "in accordance with subsection (2)"

20. Page 7, line 4.
Following: "~~challenged~~"
Insert: "challenged"

21. Page 7, line 4 through line 5.
Strike: "challenged in accordance with subsection (2)"

22. Page 7, line 12 through line 14.
Strike: ":" on line 12 through "(2)" on line 14

And, as amended, do pass. Report adopted.

SB 314, do pass. Report adopted.
SB 321, introduced bill, be amended as follows:

1. Page 2, line 6.
Following: "vehicle"
Insert: ", unless a propane supplier expressly elects public utility status to gain access to public rights-of-way for the purposes of installing distribution pipelines"

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 2/20/2015
SB 107, do pass. Report adopted.
SB 148, do pass. Report adopted.
SB 171, do pass. Report adopted.
SB 180, introduced bill, be amended as follows:

1. Page 6, line 8.
Strike: "Fifty"
Insert: "Twenty-five"

And, as amended, do pass. Report adopted.

SB 210, do pass. Report adopted.
SB 216, do pass. Report adopted.
SB 234, do pass. Report adopted.
SB 344, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 2/19/2015
SB 295, do pass. Report adopted.
SB 333, do pass. Report adopted.
SB 334, introduced bill, be amended as follows:

1. Page 34, line 29.
Following: "Tagging of"
Insert: "big"

2. Page 35, line 13.
Following: "of the"
Insert: "big"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 2/19/2015
SB 332, do pass. Report adopted.
SR 17, preliminary report

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 2/20/2015
SB 338, do pass. Report adopted.

JUDICIARY (Sales, Chair): 2/19/2015
SR 15, preliminary report, be amended as follows:

1. Title, page 1, line 5.
Strike: "THE MONTANA SUPREME COURT,"

2. Page 1, line 10.
Strike: "appointments"
Insert: "appointment"

3. Page 1, line 11.
Strike: "have"
Insert: "has"

4. Page 1, line 12.
Strike: line 12 in its entirety

JUDICIARY (Sales, Chair): 2/20/2015
SB 262, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/19/2015

SB 1, introduced by D. Kary
SB 63, introduced by T. Brown

SB 64, introduced by J. Keane
SB 72, introduced by T. Brown
SB 76, introduced by G. Vuckovich
SB 135, introduced by T. Facey

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 2/19/2015

SB 139, introduced by D. Sands

House bills passed and transmitted to the Senate for concurrence: 2/19/2015

HB 296, introduced by P. Noonan
HB 345, introduced by D. Zolnikov
HB 350, introduced by R. Shaw
HB 353, introduced by E. Greef

House joint resolution passed and transmitted to the Senate for concurrence: 2/19/2015

HJ 11, introduced by M. Lang

MOTIONS

Senator Cohenour moved **SB 358** be re-referred from the Public Health, Welfare and Safety Committee to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Senator Sands moved consideration of **SB 66** be passed to legislative day 46. Without objection, so ordered.

Senator Thomas moved **SB 363** be re-referred from the Taxation Committee to the Rules Committee. Without objection, so ordered.

Senator Caferro moved that **SB 195** be taken from State Administration and brought before the Committee of the Whole on February 21, 2015, the fortieth legislative day. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 382, introduced by C. Kaufmann, referred to State Administration.
SB 383, introduced by B. Hamlett, C. Vincent, referred to Judiciary.
SB 384, introduced by R. Webb, referred to Judiciary.
SB 385, introduced by R. Webb, referred to Judiciary.
SB 386, introduced by J. Cohenour, referred to Taxation.
SB 387, introduced by C. Smith, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 296, introduced by P. Noonan, referred to Energy and Telecommunications.
HB 345, introduced by D. Zolnikov, referred to Judiciary.
HB 350, introduced by R. Shaw, Z. Brown, R. Cook, G. Custer, C. Glimm, R. Hollandsworth, R. Lynch, J. Welborn, K. White, referred to Business, Labor, and Economic Affairs.
HB 353, introduced by E. Greef, referred to Energy and Telecommunications.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 11, introduced by M. Lang, R. Driscoll, F. Moore, P. Noonan, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hamlett in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 232 - Senator F. Moore moved **SB 232** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 288 - Senator Tutvedt moved **SB 288** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 327 - Senator Blasdel moved **SB 327** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 245 - Senator Kary moved **SB 245** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan, Larsen, Malek, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 34

Nays: Barrett Dick, Caferro, Driscoll, Facey, Jones, Kaufmann, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 284 - Senator Brenden moved **SB 284** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 296 - Senator Arntzen moved **SB 296** do pass. Motion **failed** as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Cohenour, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Kaufmann, Keane, Keenan, Malek, Moe, Sales, Sands, Stewart-Peregoy, Swandal, Taylor, Vance, Vincent, Webb.
Total 23

Nays: Ankney, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Jones, Kary, Larsen, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sesso, Smith, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 296 - Senator Rosendale moved **SB 296** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Arntzen, Barrett Dick, Hoven, Ripley.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 224 - Senator Wolken moved **SB 224** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Ripley, Smith, Taylor, Vincent.

Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 42

Nays: Driscoll, Kaufmann, Malek, Phillips, Sesso, Stewart-Peregoy, Whitford, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 112 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Keane, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kary, Kaufmann, Malek, McNally, Moe, Pomnichowski, Sands, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 220 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Kary.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 235 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 248 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell,

Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keane, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hansen, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 282 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:00 a.m., Saturday, February 21, 2015, the fortieth legislative day. Motion carried.

Senate adjourned at 2:13 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FORTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 21, 2015 — State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Driscoll excused. Quorum present.

BILLS AND JOURNALS 2/21/2015

Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-sixth through thirtieth legislative days, find the same to be correct.

Correctly printed: **SB 107**, **SB 148**, **SB 171**, **SB 195**, **SB 210**, **SB 216**, **SB 224**, **SB 232**, **SB 234**, **SB 245**, **SB 262**, **SB 284**, **SB 288**, **SB 314**, **SB 327**, **SB 333**, **SB 338**, **SB 344**, **SB 382**, **SB 383**, **SB 384**, **SB 385**, **SB 386**, **SB 387**.
Correctly engrossed: **SB 286**, **SR 11**.
Correctly enrolled: **SB 1**, **SB 51**, **SB 63**, **SB 64**, **SB 72**, **SB 76**, **SB 135**.
Examined by the sponsor and found to be correct: **SB 63**, **SB 64**, **SB 72**, **SB 135**.
Transmitted to the House: **SB 112**, **SB 220**, **SB 235**, **SB 248**, **SB 282**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 2/20/2015
SB 272, do pass. Report adopted.
HB 87, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 2/18/2015
SR 11, introduced resolution, be amended as follows:

1. Title, page 1, line 5.
Strike: "APPOINTMENTS"
Insert: "APPOINTMENT"
Strike: "AND ASSOCIATE WATER JUDGE"

2. Page 1, line 9.
Strike: "appointments"
Insert: "appointment"

3. Page 1, line 10.
Strike: "have"
Insert: "has"

4. Page 1, line 12.
Strike: "(1)"

5. Page 1, line 14 through line 15.
Strike: line 14 through line 15 in their entirety

6. Page 1, line 19.
Strike: "appointments"
Insert: "appointment"

And, as amended, be adopted. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 2/20/2015
SB 286, do pass. Report adopted.
SB 293, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 20, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Crime Control
MCA 2-15-2006

! Mrs. Laurie Barron, 1058 7th Street West, Whitefish, MT 59937, was appointed to serve a term starting February 20, 2015 and ending January 1, 2019. Mrs. Barron fulfills the qualifications of Educator Representative for the Board.

! Director Mike Batista, Department of Corrections, PO Box 201301, Helena, MT 59620, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Mr. Batista fulfills the qualifications of Law Enforcement Representative for the Board.

! Ms. Brenda Desmond, 1301 S 5th Street West, Missoula, MT 59801, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Ms. Desmond fulfills the qualifications of Judiciary Representative for the Board.

! Mr. William Hooks, 2514 Southridge Drive, Helena, MT 59601, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Mr. Hooks fulfills the qualifications of Criminal Justice Agency Representative for the Board.

! Mr. Richard Kirn, PO Box 1267, Poplar, MT 59255, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Mr. Kirn fulfills the qualifications of Tribal Government Representative for the Board.

! Ms. Beth McLaughlin, 301 S. Park, Suite 328, Helena, MT 59620, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Ms. McLaughlin fulfills the qualifications of Judiciary Representative for the Board.

! Ms. Roxanne Ross, 2787 Stacia Ave, Helena, MT 59601, was appointed to serve a term starting February 20, 2015 and ending January 1, 2019. Ms. Ross fulfills the qualifications of Public Representative for the Board.

! Ms. Angela Russell, PO Box 333, Lodge Grass, MT 59050, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Ms. Russell fulfills the qualifications of Public Representative for the Board.

Board of Livestock
MCA 2-15-3102

! Mrs. Nina C. Baucus, 1600 Chevallier Drive, Wolf Creek, MT 59648, was appointed to serve a term starting February 20, 2015 and ending March 1, 2017. Mrs. Baucus fulfills the qualifications of Cattle Producer for the Board.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/20/2015

HB 298, introduced by B. Harris
HB 375, introduced by S. Lavin

HB 414, introduced by M. Lang
HB 466, introduced by M. Miller
HB 470, introduced by C. Clark

House joint resolutions passed and transmitted to the Senate for concurrence: 2/20/2015

HJ 12, introduced by G. Hertz
HJ 15, introduced by M. Tropila

MOTIONS

Senator Arntzen moved to reconsider Senate action on **SB 296**. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Cohenour, Connell, Facey, Fielder, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, McNally, Moe, Moore, Ripley, Sales, Sands, Swandal, Thomas, Vance, Vincent, Webb.
Total 24

Nays: Ankney, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Hamlett, Howard, Kaufmann, Larsen, Malek, Phillips, Pomnichowski, Rosendale, Sesso, Smith, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 388, introduced by L. Whitford, G. Kipp, S. Webber, referred to State Administration.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 25, introduced by D. Sands, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 16, introduced by F. Thomas, Debby Barrett, J. Essmann, K. Hansen, L. Jones, B. Keenan, A. Knudsen, M. Phillips, referred to Rules.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 195 - Senator Caferro moved **SB 195** do pass.

SB 195 - Senator D. Brown moved **SB 195**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Following: "10-1-1005,"
Insert: "10-1-1007,"

2. Page 2, line 19.
Insert: "Section 4. Section 10-1-1007, MCA, is amended to read:

"10-1-1007. Right to return to employment without loss of benefits -- exceptions -- definition. (1) Subject to the provisions of this section, after a leave of absence for state active duty, a member is entitled to return to employment with the same seniority, status, pay, health insurance, pension, and other benefits as the member would have accrued if the member had not been absent for the state active duty.

(2) (a) If a member was a probationary employee when ordered to state active duty, the employer may require the member to resume the member's probationary period from the date when the member's leave of absence for state active duty began.

(b) An employer may decide whether or not to authorize the member to accrue sick leave, vacation leave, military leave, or other leave benefits during the member's leave of absence for state active duty. However, the member may not be provided with lesser leave accrual benefits than are provided to all other employees of the employer in a similar but nonmilitary leave status.

(c) (i) An employer's health plan must provide that:

(A) a member may elect to not remain covered under the employer's health plan while the member is on state active duty but that when the member returns, the member may resume coverage under the plan without the plan considering the employee to have incurred a break in service; and

(B) a member may elect to remain on the employer's health plan while the member is on state active duty without being required to pay more than the regular employee share of the premium, except as provided in subsection (2)(c)(ii).

(ii) If a member's state active duty qualifies the member for coverage under the state of Montana's health insurance plan as an employee of the department of military affairs, the employer's health plan may require the member to pay up to 102% of the full premium for continued coverage.

(iii) A health insurance plan covering an employee who is a member serving on state

active duty is not required to cover any illness or injury caused or aggravated by state active duty.

(iv) If the member is a state employee prior to being ordered to state active duty, the member does not become qualified as an employee of the department of military affairs for the purposes of health plan coverage until the member's state active duty qualifies the member to be considered an employee of the department of military affairs pursuant to 2-18-701.

(d) An employer's pension plan must provide that when a member returns to employment from state active duty:

(i) the member's period of state active duty may constitute service with the employer or employers maintaining the plan for the purposes of determining the nonforfeitability of the member's accrued benefits and for the purposes of determining the accrual of benefits under the plan; and

(ii) if the member elects to receive credit and makes the contributions required to accrue the pension benefits that the member would have accrued if the member had not been absent for the state active duty, then the employer shall pay the amount of the employer contribution that would have been made for the member if the member had not been absent.

(e) An employer is not obligated to allow the member to return to employment after the member's absence for state active duty if:

(i) the member is no longer qualified to perform the duties of the position, subject to the provisions of 49-2-303 prohibiting employment discrimination because of a physical or mental disability;

(ii) the member's position was temporary and the temporary employment period has expired;

(iii) the member's request to return to employment was not done in a timely manner;

(iv) the employer's circumstances have changed so significantly that the member's continued employment with the employer cannot reasonably be expected; ~~or~~

(v) the member's return to employment would cause the employer an undue hardship;

(vi) the member did not inform the employer at the time of hire that the member was a member of the state's organized militia or the national guard of another state; or

(vii) the member enlisted in the state's organized militia or another state's national guard during the course of employment with the employer and did not inform the employer of the enlistment.

(3) (a) For the purposes of this section and except as provided in subsection (3)(b), "timely manner" means:

(i) for state active duty of up to 30 days, the member returned to employment the next regular work shift following safe travel time plus 8 hours;

(ii) for state active duty of 30 days to 180 days, the member returned to employment within 14 days of termination of state active duty; and

(iii) for state active duty of more than 180 days, the member returned to employment within 90 days of termination of the state active duty.

(b) If there are extenuating circumstances that preclude the member from returning to employment within the time period provided in subsection (3)(a) through no fault of the member, then for the purposes of this section "timely manner" means within the time period specified by the adjutant general provided for in 2-15-1202.""

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 195 - Senator Caferro moved **SB 195**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 12 - Senator Moe moved **SB 12** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Arntzen, Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore,

Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 19

Paired: Driscoll, Aye; Rosendale, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 219 - Senator Taylor moved **SB 219** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 223 - Senator Vance moved **SB 223** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.

Total 1

SB 280 - Senator F. Moore moved **SB 280** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Paired: Buttrey, Aye; Driscoll, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 253 - Senator McNally moved **SB 253** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 35

Nays: Arntzen, Blasdel, Brenden, D. Brown, Hansen, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 266 - Senator McNally moved **SB 266** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski,

Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 239 - Senator Kary moved **SB 239** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb.
Total 23

Nays: Barrett Dick, Brenden, T. Brown, Caferro, Cohenour, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken, Ms. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 239 - Senator Rosendale moved **SB 239** be **indefinitely postponed**. Motion carried as follows:

Yeas: Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Facey, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Ankney, Arntzen, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Kary, Taylor, Vuckovich.
Total 12

Absent or not voting: None.

Total 0

Excused: Driscoll.
Total 1

SB 294 - Senator F. Moore moved **SB 294** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 118 - Senator Hamlett moved **SB 118** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hoven, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 34

Nays: Arntzen, Blasdel, Brenden, Driscoll, Hansen, Hinkle, Howard, Kaufmann, Ripley, Rosendale, Sales, Sesso, Smith, Taylor, Vance, Vincent.
Total 16

Paired: Hamlett, Aye; Driscoll, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 281 - Senator F. Moore moved **SB 281** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Paired: Buttrey, Aye; Driscoll, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 261 - Senator Hamlett moved **SB 261** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Arntzen, Brenden, Fielder, Hinkle, Howard, Keenan, Sales, Smith, Vance, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 9 - Senator Webb moved **SB 9** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Ripley, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Caferro, Kaufmann, Malek, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Stewart-Peregoy, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 17

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 207 - Senator Tutvedt moved **SB 207** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Paired: Tutvedt, Aye; Driscoll, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269 - Senator Ankney moved **SB 269** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

HB 166 - Senator Blasdel moved **HB 166** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Paired: Tutvedt, Aye; Driscoll, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Cohenour, Facey, Malek, Phillips, Stewart-Peregoy, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 224 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Smith, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 232 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 245 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan, Larsen, Malek, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 35

Nays: Barrett Dick, Caferro, Facey, Jones, Kaufmann, McNally, Moe, Phillips, Pomnichowski,

Sands, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 284 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Caferro, Cohenour, Facey, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 288 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 327 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 2/20/2015
SB 328, introduced bill, be amended as follows:

1. Title, page 1, line 10.
Strike: "AN"
Strike: "DATE"
Insert: "DATES AND A TERMINATION DATE"

2. Page 1, line 14.
Strike: "4"
Insert: "5]"

3. Page 1, line 17.
Strike: "4"
Insert: "5"

4. Page 1, line 26.
Strike: "4"
Insert: "5"

5. Page 3, line 2.
Strike: "or"

6. Page 3, line 5.
Following: "account"

Insert: "; or
(c) if the child has not utilized all funds in the account by the child's 25th birthday"

7. Page 3, line 7.
Strike: "Funds"
Insert: "The commissioner shall distribute funds"
Strike: "may be spent only on"
Insert: "only to the designated beneficiary or the designated beneficiary's parent for"

8. Page 3, line 17.
Insert: "NEW SECTION. **Section 5. Education is the best bet savings account program -- administration.** (1) There is an education is the best bet savings account program administered by the commissioner of higher education.

(2) (a) A resident child of Montana is eligible to have an account established on the child's behalf on the child's birth or adoption. An account must be established only:

(i) on a parent's request for the establishment indicated on the child's Montana birth registry form; or

(ii) under conditions established by the commissioner of higher education that allow for the establishment of an account for residents of Montana who become adoptive parents or give birth outside the state of Montana.

(b) The commissioner shall ensure that residents of Montana who become parents under subsection (2)(a)(ii) have the opportunity to learn about the program and request the establishment of an account.

(c) If an adopted child already has an established account, a second account may not be established; however, in this circumstance, the commissioner shall transfer an amount equal to the amount contributed to the child's family education savings account within 1 year of the child's adoption, with the total lifetime state contribution to the account not to exceed $200.

(3) There is a higher education generation account within the state special revenue fund created in 17-2-102. The higher education generation account is administered by the commissioner of higher education.

(4) Upon the establishment of an education is the best bet account, the commissioner shall transfer $25 from the higher education generation account to the child's education is the best bet account.

(5) For the first 2 years of a child's life, the commissioner shall transfer an amount equal to the amount contributed to the child's family education savings account from the higher education generation account to the child's education is the best bet account. The total state contribution to a child's account may not exceed $100 per year, including the initial $25.

(6) A child's education is the best bet account must remain separate from the child's family education savings account and must be invested as determined by the commissioner of higher education. The commissioner of higher education shall distribute interest earnings in proportion to the balances of individual accounts. Only the funds transferred under subsections (4) and (5) and interest earnings may be deposited in an education is the best bet account.

(7) A child's education is the best bet account must be closed and any funds in the account transferred to the higher education generation account under any of the following circumstances:

(a) if, on the child's second birthday, a family education savings account has not been established on behalf of the child with a contribution of at least $25; or

(b) if the child's family education savings account is closed, the designated beneficiary is changed, or funds are withdrawn for expenses other than qualified higher education expenses leaving a balance of less than the balance of the child's education is the best bet account.

(8) (a) The designated beneficiary of an education is the best bet account may not be changed.

(b) The commissioner shall distribute funds in an education is the best bet account only to the designated beneficiary or the designated beneficiary's parent for qualified higher education expenses, as defined in 15-62-103, that were incurred within a unit of the Montana university system.

(c) (i) The commissioner may accept donations from private sources for distribution to the designated beneficiary or the designated beneficiary's parent for qualified higher education expenses, as defined in 15-62-103, that were incurred at a higher education institution, as defined in 15-62-103, that is not within a unit of the Montana university system.

(ii) The distributions under subsection (8)(c)(i) may not exceed the balance of the designated beneficiary's education is the best bet account.

(iii) When a designated beneficiary of an education is the best bet account receives distributions under subsection (8)(c)(i) totaling the balance of the account, the designated beneficiary's account must be closed and any funds in the account must be transferred to the higher education generation account.

(iv) An individual receiving distributions under subsection (8)(b) is not eligible for distributions under this subsection (8)(c).

(9) The commissioner shall market the education is the best bet savings account program to ensure widespread awareness. The marketing effort must include program information distributed to a parent of a Montana resident child following the parent's request to establish an account and 60 days prior to the child's first and second birthdays. The commissioner shall inform parents of the account balance annually.

(10) The commissioner may spend no more than 5% of any funds transferred to the higher education generation account on administering and marketing the program.

(11) The commissioner shall adopt policies for the administration of the education is the best bet savings account program."

Renumber: subsequent sections

9. Page 3, line 30.
Strike: "2"
Insert: "4"

10. Page 4, line 1.
Strike: "$675,000"
Insert: "$625,000"

11. Page 4, line 2.
Strike: "$675,000"
Insert: "$625,000"

12. Page 4, line 15.
Strike: "2"
Insert: "4"

13. Page 4, line 16.
Strike: "$675,000"
Insert: "$625,000"

14. Page 4, line 17.
Strike: "$675,000"
Insert: "$625,000"

15. Page 6, line 27.
Strike: "4"
Insert: "5"

16. Page 6, line 30.
Strike: "4"
Insert: "5"

17. Page 7, line 2.
Strike: "4"
Insert: "5"

18. Page 7, line 3.
Insert: "NEW SECTION. **Section 9. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

19. Page 7, line 4.
Strike: section 8 in its entirety
"NEW SECTION. **Section 10. Effective date -- contingent effective date -- contingent termination date.** (1) Except as provided in subsections (2) and (3), [this act] is effective July 1, 2015.
(2) [Section 4] terminates if [section 4] is found to be invalid or unconstitutional as provided for in subsection (3).
(3) [Section 5] is effective contingent on a final court ruling that [section 4] is invalid or unconstitutional. If [section 4] is found to be invalid or unconstitutional, the department of justice shall notify the code commissioner when the contingency has been met.

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/20/2015
SB 325, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "REQUIRING"
Insert: "REVISING IMPLEMENTATION OF"
Strike: "BE NO"
Insert: "THAT ARE"

2. Title, page 1, line 9.
Strike: "SECTIONS"
Insert: "SECTION"
Following: "75-5-203,"
Strike: "75-5-302, AND 75-5-310,"

3. Page 1, line 14 through line 21.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. State regulation for natural conditions.** (1) Unless necessary to protect downstream uses, the department may not apply a standard to a water body for water quality that is more stringent than the condition of the water body shown to exist as a result of nonanthropogenic sources. For the parameters, the standard is the nonanthropogenic concentration of the parameter in the water body.

(2)(a) For water bodies where the standard is more stringent than the condition of the water body but subsection (1) is not applicable, the board shall adopt rules consistent with comparable federal rules and guidelines providing criteria and procedures for the department to issue variances from standards if:

(i) the condition cannot reasonably be expected to be remediated during the permit term for which the application for variance has been received; and

(ii) the discharge to which the variance applies would not materially contribute to the condition.

(b) A variance issued pursuant to subsection (2)(a) must be reviewed every 5 years and may be modified or terminated as a result of the review."

4. Page 1, line 26.
Strike: "this chapter"
Insert: "75-5-301, 75-5-302, or 75-5-310"

5. Page 2, line 4.
Strike: "will definitively"
Insert: "can"

6. Page 2, line 15.
Strike: "3"
Insert: "8"

7. Page 2, line 25 through page 3, line 24.
Strike: section 3 through section 4 in their entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 329, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "~~land~~"
Insert: "on private land or when using"
Strike: ", including use of"

And, as amended, do pass. Report adopted.

SJ 13, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 2/20/2015
SB 186, introduced bill, be amended as follows:

1. Page 8, line 19.
Strike: "or facility"

And, as amended, do pass. Report adopted.

SB 206, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "REQUIRING SUBMISSION" on line 6 through "FOOD ITEMS;" on line 7

2. Title, page 1, line 8.
Strike: "REQUIRING"
Insert: "ALLOWING A"
Following: "IDENTIFICATION"
Insert: "OPTION"

3. Title, page 1, line 10.
Following: "53-4-704,"
Insert: "AND"
Following: "53-4-717,"
Strike: "AND"

4. Title, page 1, line 11.
Strike: "61-12-504,"

5. Page 1, line 15 through line 26.
Strike: section 1 in its entirety
Renumber: subsequent sections

6. Page 2, line 16 through line 19.
Strike: "**Limitations**"
Insert: "**Limitation**"
Strike: "(1) The" on line 16 through "(2)" on line 19

7. Page 2, line 22.
Following: "**identification**"
Insert: "option"
Following: "individual"
Strike: "using"
Insert: "applying for"

8. Page 2, line 23 through line 24.
Strike: "shall present" through "forms of"
Insert: "may request that the department include"
Strike: "at the time" on line 23 through "purchase:" on line 24
Insert: "on the individual's electronic benefit transfer card if the individual is determined to be eligible for benefits."

9. Page 2, line 25 through line 28.
Strike: subsection (a) through subsection (d) in their entirety

10. Page 2, line 29 through page 3, line 1.
Strike: "A person" on line 29 through "may obtain" on line 30
Insert: "The department may enter into memorandums of understanding to obtain photographs used for a Montana driver's license or "
Strike: "at no cost" on page 3, line 1
Insert: "issued pursuant to Title 61 or photographs issued for a postsecondary education or tribal identification card"

11. Page 15, line 30.
Strike: "3"
Insert: "2"

12. Page 16, line 5.
Strike: "3"
Insert: "1"

13. Page 16, line 8.
Strike: "and"

14. Page 16, line 10.
Following: "program"
Insert: "; and
(i) the inclusion of photo identification on electronic benefit transfer cards as allowed

under [section 3]"

15. Page 20, line 19 through page 21, line 6.
Strike: section 24 in its entirety
Renumber: subsequent sections

16. Page 21, line 9.
Strike: "3"
Insert: "2"

17. Page 21, line 13.
Strike: "2"
Insert: "1"

18. Page 21, line 19.
Strike: "4"
Insert: "3"

19. Page 21, line 21.
Strike: "4"
Insert: "3"

20. Page 21, line 23.
Strike: "2"
Insert: "1"

21. Page 21, line 26.
Strike: "2"
Insert: "1"

And, as amended, do pass. Report adopted.

SB 263, introduced bill, be amended as follows:

1. Page 2, line 11.
Insert: "(7) Any cost incurred by the department in performing its responsibilities under this section must be absorbed into the department's existing budget."

And, as amended, do pass. Report adopted.

SB 349, do pass. Report adopted.
SB 350, do pass. Report adopted.
HB 100, be amended as follows:

1. Page 2, line 6.

Strike: "an equivalency certificate"
Insert: "a high school equivalency diploma"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 2/20/2015
SB 283, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "A PERSON"
Insert: "AN INDIVIDUAL OR POLITICAL COMMITTEE"

2. Title, page 1, line 7.
Strike: "A PERSON"
Insert: "AN INDIVIDUAL OR POLITICAL COMMITTEE"

3. Page 1, line 17.
Strike: "any person"
Insert: "an individual or political committee"

4. Page 1, line 18.
Strike: "A person"
Insert: "An individual or political committee"

5. Page 1, line 20.
Strike: "persons"
Insert: "individuals or political committees"

6. Page 2, line 15.
Strike: "a person"
Insert: "an individual or political committee"

7. Page 2, line 17.
Strike: "a person"
Insert: "an individual or political committee"

8. Page 2, line 18.
Strike: "person"
Insert: "individual"

9. Page 3, line 20.
Following: "account."
Insert: "(4) The holder of a constituent services account may not make expenditures from the account between January 1 and election day of an even-numbered year."
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

MOTIONS

Senator L. Jones moved **SB 12**, **SB 261**, **SB 269**, and **HB 166** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Monday, February 23, 2015, the forty-first legislative day. Motion carried.

Senate adjourned at 10:10 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 23, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 2/23/2015
Correctly printed: **SB 9**, **SB 118**, **SB 207**, **SB 219**, **SB 223**, **SB 253**, **SB 266**, **SB 272**, **SB 280**, **SB 281**, **SB 293**, **SB 294**, **SB 349**, **SB 350**, **SB 388**, **SR 25**, **SJ 13**, **SJ 16**, **HB 87**.
Correctly engrossed: **SB 186**, **SB 195**, **SB 206**, **SB 263**, **SB 283**, **SB 325**, **SB 328**, **SB 329**, **HB 100**.
Examined by the sponsor and found to be correct: **SB 1**, **SB 51**, **SB 76**.
Transmitted to the House: **SB 224**, **SB 232**, **SB 245**, **SB 284**, **SB 288**, **SB 327**.
Signed by the Secretary of the Senate at 10:20 a.m., February 23, 2015: **SB 63**, **SB 64**, **SB 72**, **SB 135**.
Signed by the Secretary of the Senate at 3:40 p.m., February 23, 2015: **SB 1**, **SB 51**, **SB 76**.
Signed by the President at 12:10 p.m., February 23, 2015: **SB 63**, **SB 64**, **SB 72**, **SB 135**.
Signed by the President at 4:08 p.m., February 23, 2015: **SB 1**, **SB 51**, **SB 76**.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair): 2/20/2015
SB 330, introduced bill, be amended as follows:

1. Page 4, line 8.
Strike: "as"
Insert: "for a reservation provided in subsection (6) or a reservation "

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 2/20/2015
SB 336, introduced bill, be amended as follows:

1. Title, page 1, line 12.
Following: "STATEMENT"
Insert: "FOR RULES PROPOSED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AMENDING PAYMENTS THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IS ENTITLED TO COLLECT FROM CERTAIN PROVIDERS"
Strike: "SECTION"
Insert: "SECTIONS"

Following: "2-4-405"
Insert: "AND 53-6-111"

2. Page 2, line 8 through line 9.
Strike: "an impacted business, impacted contractor, elected official, or"

3. Page 2, line 14.
Strike: "a"
Insert: "the"

4. Page 2, line 15.
Strike: "if"
Strike: "originated the request, the committee"

5. Page 3, line 7.
Strike: "completed"

6. Page 3, line 8 through line 9.
Strike: "and the impacted business, impacted contractor, or elected official, if applicable,"

7. Page 3, line 24.
Following: line 23
Insert: "(8) For rules proposed to be adopted, amended, or repealed by the department of public health and human services, an impacted business, impacted contractor, or elected official may request an economic impact statement and, if requested, must receive the completed statement."

Insert: "Section 3. Section 53-6-111, MCA, is amended to read:

"53-6-111. Department charged with administration and supervision of medical assistance program -- overpayment recovery -- sanctions for fraudulent and abusive activities -- adoption of rules. (1) The department of public health and human services may administer and supervise a vendor payment program of medical assistance under the powers, duties, and functions provided in Title 53, chapter 2, and this chapter and that is in compliance with Title XIX of the Social Security Act.

(2) (a) The department is entitled to collect from a provider, and a provider is liable to the department for:

(i) the amount of a payment under this part to which the provider was not entitled~~, regardless of whether the incorrect payment was the result of department or provider error or other cause~~ if the incorrect payment was the result of the provider's unreasonable interpretation of the pertinent rule or billing code; and

(ii) the portion of any interim rate payment that exceeds the rate determined retrospectively by the department for the rate period.

(b) For the purposes of determining whether the provider's interpretation of a pertinent rule or billing code is unreasonable pursuant to subsection (2)(a)(i), the provider's interpretation is unreasonable if:

(i) it directly conflicts with a written interpretation of the department in existence at the time of the billing for that rule or billing code; or

(ii) if there was no written interpretation of the department in existence at the time of the billing for that rule or billing code, the department demonstrates by a preponderance of the evidence that the provider's interpretation is unreasonable.

~~(b)~~(c) In addition to the amount of overpayment recoverable under subsection (2)(a), the department is entitled to interest on the amount of the overpayment at the rate specified in 31-1-106 from the date 30 days after the date of mailing of notice of the overpayment by the department to the provider, except that interest accrues from the date of the incorrect payment when the payment was obtained by fraud or abuse.

~~(c)~~(d) The department may collect any amount described in subsection (2)(a) by:

(i) withholding current payments to offset the amount due;

(ii) applying methods and using a schedule mutually agreeable to the department and the provider; or

(iii) any other legal means.

~~(d)~~(e) The department may suspend payments to a provider for disputed items pending resolution of a dispute.

~~(e)~~(f) The fact that a provider may have ceased providing services or items under the medical assistance program, may no longer be in business, or may no longer operate a facility, practice, or business does not excuse repayment under this subsection (2).

(3) The department shall adopt rules establishing a system of sanctions applicable to providers who engage in fraud and abuse. Subject to the definitions in 53-6-155, the department rules must include but are not limited to specifications regarding the activities and conduct that constitute fraud and abuse.

(4) Subject to subsections (5) and (6), the sanctions imposed under rules adopted by the department under subsection (3) may include but are not limited to:

(a) required courses of education in the rules governing the medicaid program;

(b) suspension of participation in the program for a specified period of time;

(c) permanent termination of participation in the medical assistance program; and

(d) imposition of civil monetary penalties imposed under rules that specify the amount of penalties applicable to a specific activity, act, or omission involving intentional or knowing violation of specified standards.

(5) In all cases in which the department may recover medicaid payments or impose a sanction, a provider is entitled to a hearing under the provisions of Title 2, chapter 4, part 6. This section does not require that the hearing under Title 2, chapter 4, part 6, be granted prior to recovery of overpayment.

(6) The remedies provided by this section are separate and cumulative to any other administrative, civil, or criminal remedies available under state or federal law, regulation, rule, or policy.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/21/2015

HB 200, introduced by R. Pinocci
HB 334, introduced by R. Cook
HB 366, introduced by G. Custer
HB 382, introduced by M. Dunwell
HB 412, introduced by D. Zolnikov
HB 436, introduced by K. Dudik
HB 447, introduced by K. Wagoner
HB 448, introduced by K. Wagoner
HB 449, introduced by K. Wagoner
HB 461, introduced by S. Lavin
HB 503, introduced by T. Berry
HB 522, introduced by T. Berry
HB 537, introduced by T. Berry

MOTIONS

Senator Jones explained a new process adopted by the Rules Committee related to re-referring a bill with fiscal impact to the Finance and Claims Committee (FCC) following second reading. The new procedure will re-refer the bill to the FCC following its report out of the policy committee but before second reading by the Committee of the Whole. The bill would be heard by the Committee of the Whole following its report out of the FCC.

In accordance with the new process, Senator Jones moved that **SB 298**, **SB 262** and **SB 338** be re-referred from the second reading board to the Finance and Claims Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 389, introduced by B. Hamlett, P. Connell, S. Stewart-Peregoy, referred to Natural Resources.
SB 390, introduced by E. Arntzen, referred to Business, Labor, and Economic Affairs.

The following Senate bill was introduced and read first time:

SB 391, introduced by F. Moore.

The following House bills were introduced, read first time, and referred to committees:

HB 298, introduced by B. Harris, N. Ballance, G. Bennett, S. Berglee, M. Blasdel, R. Brodehl, B.

Brown, A. Doane, J. Fielder, C. Fiscus, K. Flynn, F. Garner, C. Glimm, E. Greef, D. Hagstrom, B. Harris, G. Hertz, S. Hess, J. Hinkle, R. Hollandsworth, K. Holmlund, D. Howard, D. Kary, A. Knudsen, D. Lamm, M. Lang, S. Laszloffy, F. Mandeville, T. Manzella, W. McKamey, M. Miller, D. Moore, F. Moore, D. Mortensen, M. Noland, A. Olszewski, R. Osmundson, R. Pinocci, L. Randall, A. Redfield, K. Regier, V. Ricci, T. Richmond, S. Sales, D. Salomon, N. Schwaderer, C. Smith, S. Staffanson, B. Tschida, G. Vance, K. White, A. Wittich, D. Zolnikov, referred to Judiciary.
HB 375, introduced by S. Lavin, referred to Highways and Transportation.
HB 414, introduced by M. Lang, referred to Highways and Transportation.
HB 466, introduced by M. Miller, referred to Judiciary.
HB 470, introduced by C. Clark, referred to Business, Labor, and Economic Affairs.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 12, introduced by G. Hertz, J. Fielder, R. Pinocci, D. Salomon, J. Taylor, referred to State Administration.
HJ 15, introduced by M. Tropila, E. Buttrey, G. Kipp, G. Meyers, C. Pease-Lopez, R. Peppers, B. Smith, S. Stewart-Peregoy, S. Webber, L. Whitford, J. Windy Boy, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator T. Brown in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 83 - Senator Kaufmann moved **SB 83** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 36

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Keenan, Rosendale, Sales, Smith, Vance, Vincent.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 251 - Senator D. Brown moved **SB 251** do pass. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 26

Nays: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 321 - Senator Blasdel moved **SB 321** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Wolken, Ms. President.
Total 39

Nays: D. Brown, Cohenour, Driscoll, Kaufmann, Malek, McNally, Moe, Pomnichowski, Stewart-Peregoy, Vuckovich, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 107 - Without objection, Chair T. Brown moved consideration of **SB 107** to the bottom of the second reading board.

SB 148 - Senator C. Smith moved **SB 148** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 180 - Senator Hoven moved **SB 180** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Keenan, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 210 - Senator Vuckovich moved **SB 210** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Keane, Larsen, Malek, McNally, Moe, Moore, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Blasdel, Hinkle, Howard, Kary, Kaufmann, Keenan, Phillips, Pomnichowski, Rosendale, Smith, Taylor, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 216 - Senator Webb moved **SB 216** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Hinkle, Sales, Vance, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 344 - Senator Webb moved **SB 344** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 42

Nays: Barrett Dick, Cohenour, Facey, Keane, Malek, Sesso, Whitford, Wolken.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 332 - Senator Buttrey moved **SB 332** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 46

Nays: D. Brown, Kary, Sales, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 270 - Senator Taylor moved **SB 270** do pass.

SB 270 - Senator Facey moved **SB 270**, second reading copy, be amended as follows:

1. Page 2, line 23.
Following: "guardian"
Strike: "."
Insert: "; or"

2. Page 2, line 24.
Following: "of a seasonal"
Insert: "nonprofit"
Strike: "amusement or recreational establishment,"

3. Page 2, line 25.
Following: "camp"
Strike: ","
Following: "religious or"
Strike: "nonprofit"

4. Page 2, line 25 through line 26.
Strike: "exempt" on line 25 through "213" on line 26

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Blasdel, Brenden, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 270 - As amended, passed as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Ankney, Barrett Dick, Cohenour, Sales, Webb.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 292 - Senator Rosendale moved **SB 292** do pass.

SB 292 - Senator Facey moved **SB 292**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Following: "INDUSTRY;"
Insert: "REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO REPORT TO THE 66TH LEGISLATURE;"

2. Page 2, line 19.
Following: line 19
Insert: "NEW SECTION. **Section 2. Drug formulary -- advisory council -- reporting.** The department of labor and industry shall report to the 66th legislature the following information regarding implementation of [section 1]:
(a) the number of prescription drugs denied by the insurer; and
(b) the number of petitions pursuant to [section 1(1)(f)] filed with the workers' compensation court."
Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 292 - As amended, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 295 - Senator Blasdel moved **SB 295** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Buttrey assumed the chair.

SB 107 - Senator T. Brown moved **SB 107** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 35

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair T. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Malek, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Cohenour, Driscoll, Kaufmann, Larsen, McNally, Moe, Phillips, Sands.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 9 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Phillips, Ripley, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Vincent, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 118 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Blasdel, Fielder, Howard, Kaufmann, Sales, Sesso, Taylor, Vance, Vincent.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 207 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales,

Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 219 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 223 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 253 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 35

Nays: Arntzen, Blasdel, Brenden, D. Brown, Hinkle, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 266 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moe, Moore, Ripley, Rosendale, Sales,

Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 281 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 294 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Howard, Sales.
Total 2

Absent or not voting: None.

Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/23/2015
SB 254, do pass. Report adopted.
SB 258, introduced bill, be amended as follows:

1. Page 8, line 4.
Strike: ""employer""
Insert: ""employee" or "worker""

And, as amended, do pass. Report adopted.

SB 306, do pass. Report adopted.
SB 346, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "MANAGERS;"
Insert: "AMENDING THE DEFINITION OF "DESIGNATED MANAGER"; AMENDING THE EXPERIENCE REQUIREMENT FOR CERTAIN DESIGNATED MANAGERS;"

2. Title, page 1, line 7.
Strike: "32-9-116 AND 32-9-122"
Insert: "32-9-103 AND 32-9-109"

3. Page 1, line 11 through Page 3, line 1.
Strike: everything after the enacting clause
Insert: "Section 1. Section 32-9-103, MCA, is amended to read:

"32-9-103. Definitions. As used in this part, the following definitions apply:

(1) "Administrative or clerical tasks" mean the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry, without performing any analysis of the information, and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(2) "Advertising" means a commercial message in any medium that promotes, either directly or indirectly, a residential mortgage lending transaction.

(3) "Application" means a request, in any form, for an offer of residential mortgage loan terms or a response to a solicitation of an offer of residential mortgage loan terms and includes the information about the borrower that is customary or necessary in a decision on whether to make such an offer.

(4) "Approved education course" means any course approved by the NMLS.

(5) "Approved test provider" means any test provider approved by the NMLS.

(6) "Bona fide not-for-profit entity" means an entity that:

(a) maintains tax-exempt status under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(3) or 501(c)(4);

(b) promotes affordable housing or provides homeownership education or similar services;

(c) conducts its activities in a manner that serves public or charitable purposes, rather than commercial purposes;

(d) receives funding and revenue and charges fees in a manner that does not create incentives for the entity or its employees to act other than in the best interests of its clients;

(e) compensates employees in a manner that does not create incentives for employees to act other than in the best interests of clients;

(f) provides to or identifies for the borrower residential mortgage loans with terms that are favorable to the borrower and comparable to mortgage loans and housing assistance provided under government housing assistance programs. For purposes of this subsection (6)(f), for residential mortgage loans to have terms that are favorable to the borrower, the department shall determine that the terms are consistent with loan origination in a public or charitable context, rather than a commercial context.

(g) is either certified by the U.S. department of housing and urban development or has received a community housing development organization designation as defined in 24 CFR 92.2.

(7) "Bona fide third party" means a person that provides services relative to the origination of a residential mortgage loan. The term includes but is not limited to real estate appraisers and credit reporting agencies.

(8) "Borrower" means a person seeking a residential mortgage loan or an obligor on a residential mortgage loan.

(9) "Branch office" means a location at which a licensee conducts business other than a licensee's principal place of business. The location is considered a branch office if:

(a) the address of the location appears on business cards, stationery, or advertising used by the entity;

(b) the entity's name or advertising suggests that mortgages are made at the location;

(c) the location is held out to the public as a licensee's place of business due to the actions of an employee or independent contractor of the entity; or

(d) the location is controlled directly or indirectly by the entity.

(10) "Commercial context" means that an individual who acts as a mortgage loan originator does so for the purpose of obtaining profit for an entity or individual for which the individual acts, including a sole proprietorship or other entity that includes only the individual, rather than exclusively for public, charitable, or family purposes.

(11) (a) "Control" means the power, directly or indirectly, to direct the management or policies of an entity, whether through ownership of securities, by contract, or otherwise.

(b) A person is presumed to control an entity if that person:

(i) is a director, general partner, or executive officer or is an individual that occupies a similar position or performs a similar function;

(ii) directly or indirectly has the right to vote 10% or more of a class of a voting security or has the power to sell or direct the sale of 10% or more of a class of voting securities;

(iii) in the case of a limited liability company, is a managing member; or

(iv) in the case of a partnership, has the right to receive upon dissolution or has

contributed 10% or more of the capital.

(12) "Department" means the department of administration provided for in 2-15-1001, acting through its division of banking and financial institutions.

(13) "Depository institution" has the meaning provided in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. 1813(c), and includes any credit union.

(14) "Designated manager" means a mortgage loan originator ~~with at least 3 years of experience as a mortgage loan originator or registered mortgage loan originator~~ who is designated by an entity as the individual responsible for the operation of a particular location that is under the designated manager's full management, supervision, and control~~.~~ and who:

(a) has at least 3 years of experience as a mortgage loan originator or registered mortgage loan originator; or

(b) meets the requirements of 32-9-109(3).

(15) "Dwelling" has the meaning provided in 15 U.S.C. 1602(w).

(16) "Entity" means a business organization, including a sole proprietorship.

(17) "Escrow account" means a depository account with a financial institution that provides deposit insurance and that is separate and distinct from any personal, business, or other account of the mortgage lender or mortgage servicer and is maintained solely for the holding and payment of escrow funds.

(18) "Escrow funds" means funds entrusted to a mortgage lender or mortgage servicer by a borrower for payment of taxes, insurance, or other payments to be made in connection with the servicing of a loan.

(19) "Expungement" means a court-ordered process that involves the destruction of documentation related to past arrests and convictions.

(20) "Federal banking agency" means the board of governors of the federal reserve system, the comptroller of the currency, the national credit union administration, or the federal deposit insurance corporation.

(21) "Housing finance agency" includes the Montana board of housing provided for in 2-15-1814.

(22) "Independent contractor" means an individual who performs duties other than at the direction of and subject to the supervision and instruction of another individual who is licensed and registered in accordance with this part or who is not required to be licensed in accordance with 32-9-104(1)(b), (1)(d), or (1)(g).

(23) "Individual" means a natural person.

(24) "Licensee" means a person authorized pursuant to this part to engage in activities regulated by this part. The term does not include an individual who is a registered mortgage loan originator.

(25) "Loan commitment" means a statement transmitted in writing or electronically by a mortgage lender setting forth the terms and conditions upon which the mortgage lender is willing to make a particular residential mortgage loan to a particular borrower.

(26) (a) "Loan processor or underwriter" means an individual who, with respect to the origination of a residential mortgage loan, performs administrative or clerical tasks as an employee at the direction of and subject to the supervision of a licensed mortgage loan originator or registered mortgage loan originator.

(b) For the purposes of subsection (26)(a), "origination of a residential mortgage loan" means all activities related to a residential mortgage loan from the taking of a residential mortgage loan application through the completion of all required loan closing documents and

funding of the residential mortgage loan.

(27) "Mortgage" means a consensual interest in real property located in Montana, including improvements, securing a debt evidenced by a mortgage, trust indenture, deed of trust, or other lien on real property.

(28) (a) "Mortgage broker" means an entity that obtains, attempts to obtain, or assists in obtaining a mortgage loan for a borrower from a mortgage lender in return for consideration or in anticipation of consideration.

(b) For purposes of this subsection (28), attempting to or assisting in obtaining a mortgage loan includes referring a borrower to a mortgage lender or mortgage broker, soliciting or offering to solicit a mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a mortgage loan with a mortgage lender on behalf of a borrower.

(29) "Mortgage lender" means an entity that closes a residential mortgage loan, advances funds, offers to advance funds, or commits to advancing funds for a mortgage loan applicant.

(30) (a) "Mortgage loan originator" means an individual who for compensation or gain or in the expectation of compensation or gain:

(i) takes a residential mortgage loan application; or

(ii) offers or negotiates terms of a residential mortgage loan.

(b) The term does not include an individual:

(i) engaged solely as a loan processor or underwriter, except as provided in 32-9-129; or

(ii) involved solely in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101(53D).

(31) "Mortgage servicer" means an entity that:

(a) engages, for compensation or gain from another or on its own behalf, in the business of receiving any scheduled periodic payment from a borrower pursuant to the terms of a residential mortgage loan, residential mortgage servicing documents, or a residential mortgage servicing contract; or

(b) meets the definition of servicer in 12 U.S.C. 2605(i)(2) with respect to residential mortgage loans.

(32) "Nationwide mortgage licensing system and registry" or "NMLS" means a licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators for the registration and licensing of persons providing nondepository financial services.

(33) "Nontraditional mortgage product" means any mortgage product other than a 30-year, fixed-rate mortgage.

(34) "Person" means an individual, sole proprietorship, corporation, company, limited liability company, partnership, limited liability partnership, trust, or association.

(35) "Real estate brokerage activities" means activities that involve offering or providing real estate brokerage services to the public, including:

(a) acting as a real estate salesperson or real estate broker for a buyer, seller, lessor, or lessee of real property;

(b) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(c) negotiating, on behalf of any party, any portion of a contract relating to the sale,

purchase, lease, rental, or exchange of real property other than in connection with providing financing with respect to the transaction;

(d) engaging in any activity for which a person is required to be licensed as a real estate salesperson or real estate broker under Montana law; or

(e) offering to engage in any activity or act in any capacity described in subsections (35)(a) through (35)(d).

(36) "Registered mortgage loan originator" means an individual who:

(a) meets the definition of mortgage loan originator and is an employee of:

(i) a depository institution;

(ii) a subsidiary that is wholly owned and controlled by a depository institution and regulated by a federal banking agency; or

(iii) an institution regulated by the farm credit administration; and

(b) is registered with and maintains a unique identifier through the NMLS.

(37) "Regularly engage" means that a person:

(a) has engaged in the business of a mortgage broker, mortgage lender, mortgage servicer, or mortgage loan originator on more than 12 residential mortgage loans in the previous calendar year or expects to engage in the business of a mortgage broker, mortgage lender, mortgage servicer, or mortgage loan originator on more than 12 residential mortgage loans in the current calendar year; or

(b) has served as the prospective source of financing or performed other phases of loan originations on more than 12 residential mortgage loans in the previous calendar year or expects to serve as the prospective source of financing or perform some other phases of loan origination on more than 12 residential mortgage loans in the current calendar year.

(38) "Residential mortgage loan" means a loan primarily for personal, family, or household use secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real estate located in Montana.

(39) "Residential real estate" means any real property located in the state of Montana upon which is constructed a dwelling or upon which a dwelling is intended to be built within a 2-year period, subject to 24 CFR 3500.5(b)(4). The borrower's intent to construct a dwelling is presumed unless the borrower has submitted a written, signed statement to the contrary.

(40) "Ultimate equity owner" means an individual who, directly or indirectly, owns or controls an ownership interest in a corporation, a foreign corporation, an alien business organization, or any other form of business organization, regardless of whether the individual owns or controls an ownership interest, individually or in any combination, through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint-stock companies, or other entities or devices.

(41) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLS. (See part compiler's comment regarding contingent suspension.)""

Insert: "Section 2. Section 32-9-109, MCA, is amended to read:

"32-9-109. Experience requirements. (1) An individual may not act as a designated manager without a minimum of 3 years of experience working as a mortgage loan originator or in a related field.

(2) The department shall by rule establish what constitutes work in a related field.

(3) An individual meets the experience requirements of subsection (1) if the individual:

(a) is under an exclusive written contract with and originates residential mortgage loans

solely on behalf of a federally chartered savings bank;

(b) holds a current insurance producer license under Title 33, chapter 17, that is not suspended or revoked; and

(c) has a current notice of appointment under 33-17-231 from an insurer that controls, is controlled by, or is under common control with the same federally chartered savings bank that is an exclusive contract and licensing sufficient to meet the requirements of subsection (1). (See part compiler's comment regarding contingent suspension.)""

And, as amended, do pass. Report adopted.

SB 347, do pass. Report adopted.
SB 351, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 2/23/2015
SB 252, do pass. Report adopted.
SB 261, do pass. Report adopted.
SB 269, do pass. Report adopted.
SB 367, do pass. Report adopted.
HB 166, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 2/23/2015
SB 318, do pass. Report adopted.
SB 356, do pass. Report adopted.
SB 372, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/18/2015
SR 22, be adopted. Report adopted.

MOTIONS

Senator Arntzen moved that **SB 338** be taken from the Finance and Claims Committee and brought before the Committee of the Whole tomorrow, February 24, 2015. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Moore, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 33

Nays: Caferro, Cohenour, Driscoll, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the coming week:

Benjamin Bryant from Great Falls, sponsored by Senator Buttrey
Samantha Clark from Missoula, sponsored by Senator Facey
Lydia Dupuis from Polson, sponsored by Senator Taylor
Katherine Garfield from Wolf Point, sponsored by Senator Windy Boy
Kyle Johnston from Frenchtown, sponsored by Senator Larsen
Skylar Rispens from Helena, sponsored by Senator Cohenour

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, February 24, 2015, the forty-second legislative day. Motion carried.

Senate adjourned at 2:35 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 24, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 2/24/2015
Correctly printed: **SB 83**, **SB 107**, **SB 148**, **SB 180**, **SB 210**, **SB 216**, **SB 251**, **SB 252**, **SB 254**, **SB 261**, **SB 269**, **SB 295**, **SB 306**, **SB 318**, **SB 321**, **SB 332**, **SB 344**, **SB 347**, **SB 351**, **SB 356**, **SB 367**, **SB 372**, **SB 389**, **SB 390**, **SR 22**, **HB 166**.
Correctly engrossed: **SB 258**, **SB 270**, **SB 292**, **SB 330**, **SB 336**, **SB 346**.
Transmitted to the House: **SB 118**, **SB 207**, **SB 219**, **SB 223**, **SB 253**, **SB 266**, **SB 280**, **SB 281**, **SB 294**.
Signed by the Speaker at 10:25 a.m., February 24, 2015: **SB 63**, **SB 64**, **SB 72**, **SB 135**.
Signed by the Speaker at 10:30 a.m., February 24, 2015: **SB 1**, **SB 51**, **SB 76**.
Delivered to the Governor at 2:50 p.m., February 24, 2015: **SB 1**, **SB 51**, **SB 63**, **SB 64**, **SB 72**, **SB 76**, **SB 135**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/23/2015
SR 12, preliminary report.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/24/2015
SB 307, do pass. Report adopted.
SB 365, do pass. Report adopted.

SB 377, introduced bill, be amended as follows:

1. Page 1, line 27.
Following: "(b) pay"
Strike: "an"
Insert: "a nominal"

And, as amended, do pass. Report adopted.

SB 379, do pass. Report adopted.
SB 390, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 2/23/2015
SB 331, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "TO"
Insert: "TEMPORARILY"

2. Title, page 1, line 5 through line 6.
Strike: "A" on line 5 through "LICENSE" on line 6
Insert: "SATISFYING A TRADITIONAL PATHWAY TO LICENSURE; ALIGNING STATE LAW WITH FLEXIBLE LICENSING RULES OF THE BOARD OF PUBLIC EDUCATION; PROVIDING ALTERNATIVE PATHWAYS TO LICENSURE CONSISTENT WITH FLEXIBILITY UNDER RULES OF THE BOARD OF PUBLIC EDUCATION"

3. Title, page 1, line 6.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "20-4-101"
Insert: ", 20-4-104, 20-4-106, AND 20-4-108"

4. Page 1, line 13.
Strike: "(a)"

5. Page 1, line 17.
Strike: "(1)(b)"
Insert: "(2)"

6. Page 1, line 19.
Following: "state"
Insert: "pursuant to 20-4-111"

7. Page 1, line 20 through line 29.
Strike: subsections (b) and (c) in their entirety

8. Page 1, line 30.
Following: "(2)"
Insert: "(a)"

9. Page 2, line 2.
Strike: "(3)"
Insert: "(b)"

10. Page 2, line 7.
Strike: "(4)"

11. Page 2.
Following: line 10
Insert: "(c) The traditional pathways to certification represented by the class 1, class 2, and class 3 designations under 20-4-106 do not apply to:

(i) a class 5 alternative certificate, which is valid for a term not to exceed 5 years, provided that the applicant satisfies the requirements of 20-4-106(1)(e);

(ii) a class 7 specialist certificate, provided that the applicant satisfies the requirements of 20-4-101(1)(g);

(iii) a class 8 certificate, provided that the applicant satisfies the requirements of 20-4-101(1)(h); or

(iv) an internship incorporating on-the-job training and a program design under which:

(A) the intern will complete the requirements for the appropriate endorsement within 3 years;

(B) the school district will provide local supervision and support of the intern; and

(C) the accredited educator preparation program will approve the coursework and provide support and periodic supervision."

12. Page 2, line 11.
Insert: "Section 2. Section 20-4-104, MCA, is amended to read:

"20-4-104. Qualifications. (1) A person may be certified as a teacher when the person satisfies the following qualifications. The person:

(a) is 18 years of age or older;

(b) is of good moral and professional character;

(c) has completed the teacher education program of a unit of the Montana university system or an essentially equivalent program at an accredited institution of equal rank and standing as that of any unit of the Montana university system, and the training is evidenced by at least a bachelor's degree and a certification of the completion of the teacher education program, except as provided for in 20-4-106~~(1)(d)~~; and

(d) has subscribed to the following oath or affirmation before an officer authorized by law to administer oaths:

"I solemnly swear (or affirm) that I will support The Constitution of the United States of America and The Constitution of the State of Montana."

(2) Any person may be certified as a specialist when the person satisfies the requirements of subsections (1)(a) and (1)(b) and the requirement for a specialist certificate provided in 20-4-106(2)."

Insert: "Section 3. Section 20-4-106, MCA, is amended to read:

"20-4-106. Classifications of teacher and specialist certificates. (1) The superintendent of public instruction shall issue teacher certificates and the board of public education shall adopt teacher certification policies on the basis of the following classifications of teacher certificates:

(a) The class 1 professional certificate may be issued to an otherwise qualified applicant who has completed a teacher education program that includes a bachelor's degree and a minimum of 1 year of study beyond the degree in a unit of the Montana university system or an equivalent institution. The professional certificate may be endorsed for elementary instruction, for secondary instruction, or both, and for specified subject fields on the basis of the applicant's academic and

professional training and according to the board of public education policy for teacher certification endorsement.

(b) The class 2 standard certificate may be issued to an otherwise qualified applicant who has completed a 4-year teacher education program and who has been awarded a bachelor's degree by a unit of the Montana university system or an equivalent institution. The standard certificate may be endorsed for elementary instruction, for secondary instruction, or both, and for specified subject fields on the basis of the applicant's academic and professional training and according to the board of public education policy for teacher certification endorsement.

(c) The class 3 administrative and supervisory certificate may be issued to an otherwise qualified applicant who is eligible for a teacher certificate endorsed for teaching in the school or schools in which the applicant would be an administrator or would supervise. The applicant must also possess the training and experience required by the policies of the board of public education for an endorsement as superintendent, principal, or supervisor.

(d) The class 4 vocational, recreational, or adult education certificate may be issued to an otherwise qualified applicant who has the qualifications of training and experience required by the United States office of education or the qualifications required by the special needs of the several vocational, recreational, or adult education fields and who can qualify under the policy of the board of public education for the issuance of this classification of teacher certification.

(e) The class 5 ~~provisional~~ alternative certificate may be issued to an otherwise qualified applicant who can provide satisfactory evidence of the intent to qualify in the future for a class 1 or a class 2 certificate and who has completed a 4-year college program or its equivalent and holds a bachelor's degree from a unit of the Montana university system or its equivalent. The ~~provisional~~ alternative certificate may be endorsed for elementary instruction, for secondary instruction, or both, and for special subject fields on the basis of the applicant's academic and professional training and according to the board of public education policy for teacher or specialist certification endorsement.

(f) The class 6 specialist certificate may be issued to an otherwise qualified applicant meeting the requirements of the board of public education for a school psychologist or school counselor.

(g) The class 7 specialist certificate may be issued to an otherwise qualified applicant based upon the verification by the American Indian tribe for which the language and culture certification is desired that the individual has met tribal standards for competency and fluency as a requisite for teaching that language and culture.

(h) The class 8 certificate may be issued to an otherwise qualified applicant who is a faculty member of a regionally accredited postsecondary institution for the exclusive purpose of delivery of dual credit courses that fall within an endorsable major or minor, or the equivalent, held by the faculty member when teaching dual credit courses within the role and scope of their duties assigned by the employing postsecondary institution.

(2) The superintendent of public instruction shall issue specialist certificates, and the board of public education shall adopt specialist certification policies. The specialist certificate may be issued to an otherwise qualified applicant who has the training, experience, and license required under the standards of the board of public education for the certification of a profession other than the teaching profession.

(3) For purposes of evaluating the qualifications of applicants for either teacher or specialist certificates, a year means the instructional period consisting of three quarters or two semesters or other terms that are recognized as an academic year by any unit of the Montana university system

or equivalent institution.""

Insert: "Section 4. Section 20-4-108, MCA, is amended to read:

"20-4-108. Term of teacher and specialist certificates -- renewal. (1) A teacher or specialist certificate issued by the superintendent of public instruction must bear the dates of issue and validity and is valid for a term of 5 school fiscal years, except that a class 5 ~~provisional~~ alternative certificate is valid for the number of years, up to a maximum of 5 years, provided by the policies of the board of public education. The period of validity for any certificate begins on July 1 immediately preceding the date of issue, except that a teacher or specialist who applies for certification after January 1 may, upon request, have the period of validity of the certificate begin on July 1 following the date of application.

(2) Teacher and specialist certificates must be renewed for similar periods of time on the basis of the board of public education policies for teacher and specialist certification renewal.""

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 345, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 2/24/2015

SB 260, do pass. Report adopted.

SB 298, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "FEASIBLE"
Insert: "using available state resources"

And, as amended, do pass. Report adopted.

SB 376, introduced bill, be amended as follows:

1. Page 2, line 7.
Strike: "An agency"
Insert: "Except for a unit of the university system or as provided in applicable regulations, guidelines, or grant rules governing the funds, an agency:
(a)"

2. Page 2, line 8.
Following: "maintenance"
Strike: ". An agency"
Insert: ";
(b)"

And, as amended, do pass. Report adopted.

JUDICIARY (Sales, Chair): 2/18/2015
SR 9, be adopted. Report adopted.
SR 10, be adopted. Report adopted.

JUDICIARY (Sales, Chair): 2/24/2015
SB 360, do pass. Report adopted.
SB 371, introduced bill, be amended as follows:

1. Page 2, line 1.
Strike: "and all contractual fees and charges"
Insert: ", late fees, and unpaid utility bills"

2. Page 5, line 14.
Strike: "and all contractual fees and charges"
Insert: ", late fees, and unpaid utility bills"

And, as amended, do pass. Report adopted.

SB 384, introduced bill, be amended as follows:

1. Page 1, line 10.
Following: "tenant"
Insert: "or to a tenant for the benefit of a landlord"

2. Page 1, line 11.
Following: "jurisdiction"
Strike: remainder of line 11 through "landlord" on line 16
Insert: "if the person receiving the notice of no contact"
Renumber: subsequent subsections

3. Page 1, line 18.
Following: "tenant"
Insert: "or to a tenant for the benefit of a landlord"

And, as amended, do pass. Report adopted.

SB 385, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/23/2015
SB 47, do pass. Report adopted.
SB 323, do pass. Report adopted.
SB 353, do pass. Report adopted.
SB 354, do pass. Report adopted.
SB 355, do pass. Report adopted.

SB 361, do pass. Report adopted.
SB 368, do pass. Report adopted.
SB 389, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "STREAM";"
Insert: "AMENDING THE DEFINITION OF "PERENNIAL FLOWING STREAM";"

2. Page 4, line 3.
Strike: "this part"
Insert: "85-2-306"

3. Page 4, line 6.
Following: "water"
Insert: "typically from late fall through spring"

4. Page 4, line 7.
Strike: "a" through "for"

5. Page 4, line 8.
Strike: "historically has flowed"
Insert: "flows"

6. Page 4, line 9.
Strike: "dry as well as wet"
Insert: "most"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 2/23/2015
SB 316, do pass. Report adopted.
SB 366, do pass. Report adopted.
SJ 14, do pass. Report adopted.

RULES (Rosendale, Chair): 2/24/2015
SB 363, do pass. Report adopted.
SJ 15, introduced joint resolution, be amended as follows:

1. Page 1, line 7.
Strike: "RULE"
Insert: "RULES"
Following: "30-60"
Insert: "AND 40-200"

2. Page 1, line 11.

Following: line 10
Insert: "(1)"

3. Page 1, line 18.
Following: "introduced"
Insert: ", or as amended on transmittal to the receiving house,"

4. Page 1, line 19 through line 20.
Strike: ", until final adoption by both houses"
Following: "."
Insert: "Once the estimate or amendments to the estimate are received by the receiving house, it is considered amended for the purposes of this subsection (3)(a), regardless of whether it is held in pending status as provided in joint rule 40-200."

5. Page 1, line 21.
Strike: "or the Senate, or both,"
Strike: "subsequent"

6. Page 1, line 30.
Strike: "(5-5-227, MCA)"
Following: line 30
Insert: "(2) That Joint Rule 40-200 be amended to read:

"40-200. Transmittal deadlines -- two-thirds vote requirement. (1) (a) A bill or amendment transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted.

(b) (i) A bill, except for an appropriation bill, a revenue bill, a bill proposing a referendum, an interim study resolution, or amendments considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative day.

(ii) Amendments, except to appropriation bills, committee bills implementing the general appropriations bill, ~~the~~ revenue estimating ~~resolution~~ resolutions, interim study resolutions, bills proposing referenda, and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.

(c) (i) Revenue bills and bills proposing referenda must be transmitted to the other house on or before the 67th legislative day.

(ii) Amendments to revenue bills and bills proposing referenda, received from the other house, must be transmitted to the house of origin on or before the 80th legislative day.

(iii) A revenue bill is one that either increases or decreases revenue by enacting, eliminating, increasing, or decreasing taxes, fees, or fines.

(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 67th legislative day. A fund transfer within the state treasury is not an appropriation for purposes of this section.

(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.

(2) (a) A joint resolution introduced ~~pursuant to 5-5-227, MCA,~~ for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted to the Senate no later than the 60th legislative day.

(b) Amendments to ~~the~~ revenue estimating ~~resolution~~ resolutions must be transmitted to the body in which the resolution was introduced no later than the 82nd legislative day.

(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any time during a session.

(4) Interim study resolutions must be transmitted from one house to the other on or before the 85th legislative day.""

And, as amended, do pass. Report adopted.

SJ 16, do pass. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 2/23/2015
SB 191, introduced bill, be amended as follows:

1. Page 1, line 30.
Strike: "20"
Insert: "14"

2. Page 2, line 18.
Strike: "20"
Insert: "14"

And, as amended, do pass. Report adopted.

SB 238, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "AUTHORITY;"
Insert: "AMENDING SECTION 19-6-710, MCA;"

2. Page 2, line 2 through line 4.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

3. Page 2, line 25.
Strike: "including"
Insert: "excluding"

4. Page 3, line 26.
Insert: "(3) At the end of the DROP period, a member is immediately eligible for any postretirement benefit adjustments under part 7 of this chapter."

5. Page 4, line 5.
Insert: "Section 9. Section 19-6-710, MCA, is amended to read:

"19-6-710. Guaranteed annual benefit adjustment. (1) Subject to subsection (2), for members hired before July 1, 2013, on January 1 of each year, the permanent monthly benefit payable during the preceding January to each recipient who is eligible under subsection (3) must be increased by 3%.

(2) (a) If a recipient's benefit payable during the preceding January has been increased by one or more adjustments not provided for in this section and the adjustments amount to less than a 3% annualized increase, then the recipient's benefit must be adjusted by an amount that will provide a total annualized increase of 3% in the benefit paid since the preceding January.

(b) If a recipient's benefit payable during the preceding January has been increased by one or more adjustments not provided for in this section and the increases amount to more than a 3% annualized increase, then the benefit increase provided under this section must be 0%.

(3) Except as provided in subsection (2)(b) and [section 7(3)], a benefit recipient is eligible for and must receive the minimum annual benefit adjustment provided for in this section if:

(a) the benefit's commencement date is at least 12 months prior to January 1 of the year in which the adjustment is to be made; and

(b) the member either:

(i) first became an active member on or after July 1, 1997; or

(ii) filed a voluntary, irrevocable election to be covered under this section. The election must be filed with the board prior to January 1, 1998, and requires an active member to pay an increased contribution rate from July 1, 1997, forward. A retired member or the member's survivor who is receiving a monthly benefit before July 1, 1997, shall also file the voluntary, irrevocable election no later than January 1, 1998, to be covered under this section.

(4) The board shall adopt rules to administer the provisions of this section.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 289, do pass. Report adopted.
SB 319, do pass. Report adopted.
SB 348, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/23/2015

HB 290, introduced by K. White
HB 374, introduced by E. McClafferty

MOTIONS

SB 272, SB 328 - Majority Leader Rosendale moved **SB 272** and **SB 328** be taken from second reading today and re-referred to the Finance and Claims Committee. Without objection, so ordered.

SJ 13 - Majority Leader Rosendale moved that consideration of **SJ 13** be passed to Thursday, February 26, 2015, the 44th legislative day. Without objection, so ordered.

SB 254, SB 316, SB 323, SB 354, SB 355 - Majority Leader Rosendale moved to re-refer **SB 254**, **SB 316**, **SB 323**, **SB 354**, and **SB 366** from the second reading board to the Finance and Claims Committee. Without objection, so ordered.

SB 262 - Senator Vincent moved that **SB 262** be taken from the Finance and Claims Committee and brought before the Committee of the Whole on Wednesday, February 25, 2015, the 43rd legislative day. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 33

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Keenan, Rosendale, Sales, Smith, Taylor, Vance, Webb, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 12 - Senator Moe moved that **SB 12** be taken from the Finance and Claims Committee and brought before the Committee of the Whole on Wednesday, February 25, 2015, the 43rd legislative day. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 26, introduced by T. Brown, referred to Agriculture, Livestock and Irrigation.
SR 27, introduced by S. Sales, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thomas in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 11 - Senator Phillips moved **SJ 11** do pass.

SJ 11 - Senator Phillips moved **SJ 11**, second reading copy, be amended as follows:

1. Page 1, line 18 through line 19.
Strike: "in order" on line 18 through "AREA," on line 19

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SJ 11 - Thereupon, the Senate reverted to the original motion of Senator Phillips which passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 333 - Senator Hinkle moved **SB 333** do pass. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Windy Boy, Wolken, Ms. President.
Total 33

Nays: Ankney, Barrett Dick, Buttrey, Cohenour, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vincent, Vuckovich, Whitford.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 334 - Senator Fielder moved **SB 334** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder,

Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 - Senator Keane moved **SB 325** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Cohenour.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 329 - Senator Connell moved **SB 329** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 186 - Senator Webb moved **SB 186** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Tutvedt, Webb, Ms. President.
Total 25

Nays: Barrett Dick, D. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 186 - Senator Rosendale moved **SB 186** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 36

Nays: Arntzen, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Keenan, Swandal, Taylor, Thomas, Webb, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 263 - Senator Caferro moved **SB 263** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Blasdel, Sales, Vance, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 350 - Senator C. Smith moved **SB 350** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 293 - Senator Hamlett moved **SB 293** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Cohenour, Kaufmann, Malek, McNally, Pomnichowski, Whitford.

Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 - Senator Tutvedt moved **SB 335** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Hinkle, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 139 - **House Amendments** - Senator Sands moved House amendments to **SB 139** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 338 - Senator Arntzen moved **SB 338** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 166 - Senator Tutvedt moved **HB 166** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.

Total 40

Nays: Brenden, Cohenour, Hamlett, Kaufmann, Larsen, Malek, Phillips, Sesso, Whitford, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 83 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 36

Nays: Blasdel, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Rosendale, Sales, Smith, Vance, Vincent, Webb, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 107 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 34

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.

Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 148 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 180 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Blasdel, D. Brown, Hinkle, Keenan, Sales, Smith, Tutvedt, Vance, Vincent.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 195 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 210 passed as follows:

Yeas: Ankney, Arntzen, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Keane, Larsen, Malek, McNally, Moe, Moore, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Barrett Dick, Blasdel, Fielder, Hinkle, Howard, Kary, Kaufmann, Keenan, Phillips, Pomnichowski, Rosendale, Smith, Taylor, Thomas, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 216 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Facey, Hinkle, Malek, Sales, Vance, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 251 passed as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President.
Total 26

Nays: Ankney, Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 295 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 35

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Pomnichowski, Sesso, Vuckovich, Whitford, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 321 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell,

Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Wolken, Ms. President.
Total 41

Nays: D. Brown, Cohenour, Driscoll, Malek, McNally, Moe, Pomnichowski, Vuckovich, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 332 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: D. Brown, Hinkle, Kary, Sales, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 344 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 37

Nays: Barrett Dick, Cohenour, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Pomnichowski, Sesso, Whitford, Windy Boy, Wolken.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Rosendale moved to re-refer **SB 167** from the second reading board to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 10 a.m., Wednesday, February 25, 2015, the forty-third legislative day. Motion carried.

Senate adjourned at 2:37 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 25, 2015 — State Capitol

Senate convened at 10:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 2/25/2015
Correctly printed: **SB 12**, **SB 47**, **SB 258**, **SB 260**, **SB 261**, **SB 262**, **SB 263**, **SB 269**, **SB 289**, **SB 293**, **SB 307**, **SB 316**, **SB 318**, **SB 319**, **SB 323**, **SB 325**, **SB 329**, **SB 330**, **SB 333**, **SB 334**, **SB 335**, **SB 336**, **SB 338**, **SB 345**, **SB 347**, **SB 348**, **SB 350**, **SB 351**, **SB 353**, **SB 354**, **SB 355**, **SB 356**, **SB 360**, **SB 361**, **SB 363**, **SB 364**, **SB 365**, **SB 366**, **SB 367**, **SB 368**, **SB 372**, **SB 379**, **SB 385**, **SB 390**, **SR 9**, **SR 10**, **SR 17**, **SR 26**, **SR 27**, **SR 28**, **SR 29**, **SJ 11**, **SJ 14**, **SJ 16**, **HB 145**, **HB 166**, **HB 260**.
Correctly engrossed: **SB 79**, **SB 191**, **SB 238**, **SB 298**, **SB 323**, **SB 328**, **SB 331**, **SB 371**, **SB 376**, **SB 377**, **SB 384**, **SB 389**, **SJ 15**.
Correctly enrolled: **SB 139**.
Transmitted to the House: **SB 1**, **SB 83**, **SB 107**, **SB 148**, **SB 180**, **SB 195**, **SB 210**, **SB 216**, **SB 251**, **SB 295**, **SB 321**, **SB 332**, **SB 344**, **HB 166**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 2/24/2015
HB 145, be concurred in. Report adopted.
HB 260, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 2/19/2015
SR 17, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 2/24/2015
SB 369, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/24/2015

HB 164, introduced by N. Schwaderer
HB 191, introduced by J. Eck
HB 196, introduced by S. Webber
HB 227, introduced by K. Dudik

HB 244, introduced by J. Essmann
HB 252, introduced by K. McCarthy
HB 306, introduced by J. Eck
HB 318, introduced by E. Hill
HB 322, introduced by D. Jones
HB 337, introduced by J. Karjala
HB 402, introduced by A. Knudsen
HB 439, introduced by A. Redfield
HB 538, introduced by M. Miller
HB 542, introduced by G. Hertz
HB 546, introduced by N. Schwaderer
HB 550, introduced by K. Swanson

MOTIONS

SB 369 - Majority Leader Rosendale moved **SB 369** be re-referred from the second reading board to the Finance and Claims Committee. Without objection, so ordered.

SB 342 - Senator Phillips moved that **SB 342** be taken from Agriculture, Livestock and Irrigation and brought before the Committee of the Whole this date. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 364 - Senator Cohenour moved that **SB 364** be taken from State Administration and brought before the Committee of the Whole on February 26, 2015, the 44th legislative day. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Keane, Larsen, McNally, Moe, Phillips, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 31

Nays: Arntzen, Brenden, T. Brown, Caferro, Hinkle, Howard, Kary, Kaufmann, Keenan, Malek, Moore, Pomnichowski, Ripley, Sales, Smith, Thomas, Vance, Vincent, Webb.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 388 - Senator Whitford moved that **SB 388** be taken from State Administration and brought before the Committee of the Whole on February 26, 2015, the 44th legislative day. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Nays: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 186 - Senator Webb moved to reconsider the indefinite postponement of **SB 186** and that **SB 186** be brought before the Committee of the Whole on February 26, 2015, the 44th legislative day. Motion **failed** as follows:

Yeas: Blasdel, Connell, Hamlett, Hansen, Hoven, Howard, Kary, Keenan, Ripley, Smith, Swandal, Taylor, Thomas, Webb, Windy Boy.
Total 15

Nays: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Fielder, Hinkle, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Wolken, Ms. President.
Total 35

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 55 - Senator Hamlett moved that **SB 55** be taken from Judiciary and brought before the Committee of the Whole on February 26, 2015, the 44th legislative day. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 263 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 270 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Barrett Dick, Cohenour, Driscoll, Kaufmann, Phillips, Pomnichowski, Whitford.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 292 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 293 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.

Total 44

Nays: Cohenour, Kaufmann, Malek, McNally, Pomnichowski, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Cohenour.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 329 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 333 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Caferro, Facey, Kaufmann, Larsen, Malek, Sesso, Whitford.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 334 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 46

Nays: Hinkle, Sales, Vance, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 338 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 350 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SJ 11 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 139, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 166 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Windy Boy moved to change his third reading vote on **SB 333** from No to Yes. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 200, introduced by R. Pinocci, E. Arntzen, N. Ballance, S. Berglee, D. Brown, C. Clark, G. Custer, A. Doane, J. Fielder, C. Fiscus, K. Flynn, C. Glimm, D. Hagstrom, B. Harris, G. Hertz, J. Hinkle, K. Holmlund, D. Kary, A. Knudsen, D. Lamm, M. Lang, S. Laszloffy, S. Lavin, T. Manzella, W. McKamey, G. Meyers, M. Monforton, D. Mortensen, M. Noland, A. Olszewski, L. Randall, K. Regier, V. Ricci, R. Ripley, S. Sales, D. Salomon, S. Staffanson, N. Swandal, J. Taylor, F. Thomas, B. Tschida, G. Vance, K. Wagoner, R. Webb, J. Welborn, A. Wittich, D. Zolnikov, J. Essmann, F. Garner, referred to Public Health, Welfare and Safety.
HB 290, introduced by K. White, G. Bennett, B. Brown, E. Greef, B. Harris, D. Jones, D. Mortensen, R. Pinocci, referred to State Administration.
HB 334, introduced by R. Cook, referred to Local Government.
HB 366, introduced by G. Custer, referred to Local Government.
HB 374, introduced by E. McClafferty, B. Bennett, Z. Brown, V. Court, W. Curdy, K. Dudik, M. Dunwell, J. Eck, J. Ellis, M. Funk, D. Hayman, C. Hunter, T. Jacobson, J. Karjala, K. Kelker, G. Kipp, E. Lieser, R. Lynch, M. MacDonald, K. McCarthy, N. McConnell, P. Noonan, A. Olsen, C. Pease-Lopez, R. Peppers, Z. Perry, G. Pierson, C. Pope, J. Price, A. Redfield, V. Ricci, D. Salomon, C. Schreiner, B. Smith, T. Steenberg, K. Swanson, S. Webber, N. Wilson, T. Woods, referred to Education and Cultural Resources.
HB 382, introduced by M. Dunwell, J. Cohenour, E. Hill, E. Lieser, E. McClafferty, D. Moore, R. Peppers, Z. Perry, J. Pomnichowski, J. Price, B. Smith, T. Steenberg, S. Webber, N. Wilson, referred to Public Health, Welfare and Safety.
HB 412, introduced by D. Zolnikov, referred to Judiciary.
HB 436, introduced by K. Dudik, referred to Judiciary.
HB 447, introduced by K. Wagoner, referred to Judiciary.
HB 448, introduced by K. Wagoner, referred to Judiciary.
HB 449, introduced by K. Wagoner, referred to Business, Labor, and Economic Affairs.

HB 461, introduced by S. Lavin, J. Essmann, S. Fitzpatrick, F. Garner, L. Randall, N. Schwaderer, N. Swandal, referred to Local Government.
HB 503, introduced by T. Berry, referred to Business, Labor, and Economic Affairs.
HB 522, introduced by T. Berry, referred to Business, Labor, and Economic Affairs.
HB 537, introduced by T. Berry, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 79 - Senator Facey moved **SB 79** do pass.

SB 79 - Senator Facey moved **SB 79**, second reading copy, be amended as follows:

1. Page 3, line 30.
Strike: "commensurate with costs"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 79 - Senator Facey moved **SB 79**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary,

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Blasdel, Hansen, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 258 - Senator Hoven moved **SB 258** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 - Senator Facey moved **SB 347** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 351 - Senator Blasdel moved **SB 351** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 261 - Senator Hamlett moved **SB 261** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Brenden, D. Brown, Fielder, Hinkle, Howard, Sales, Smith, Vance.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269 - Senator Ankney moved **SB 269** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 367 - Senator Taylor moved **SB 367** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 318 - Senator Swandal moved **SB 318** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 356 - Senator Fielder moved **SB 356** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372 - Senator Blasdel moved **SB 372** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 39

Nays: Caferro, Cohenour, Driscoll, Facey, Kaufmann, McNally, Moe, Pomnichowski, Stewart-Peregoy, Whitford, Wolken.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 330 - Senator Hamlett moved **SB 330** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Whitford.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 336 - Senator Keenan moved **SB 336** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Fielder moved to change her second reading vote on **SB 261** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate recess until 3:00 p.m. this date. Motion carried.

Senate recessed at 11:22 a.m.

<<< >>>

Senate reconvened at 3:00 p.m.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 2/25/2015
SB 254, do pass. Report adopted.
SB 272, do pass. Report adopted.
SB 316, do pass. Report adopted.
SB 323, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "CITIZENS;"
Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 3, line 24.
Strike: "The"
Insert: "If the department determines a project is of a high priority pursuant to subsection (11), the "

3. Page 4, line 2.
Following: line 1
Insert: "(11) The department shall prioritize federal forest management projects for possible

intervention pursuant to subsection (10) in consultation with the counties in which any part of the federal forest management project is located. The department may adopt rules to implement this subsection (11)."

4. Page 5, line 6.
Following: "shall"
Insert: ", if the department determines a project is of a high priority pursuant to subsection (12),"

5. Page 5, line 13.
Strike: "and"

6. Page 5, line 15.
Following: "issues"
Insert: "; and
(12) shall prioritize federal forest management projects for possible intervention pursuant to subsection (9) in consultation with the counties in which any part of the federal forest management project is located. The department may adopt rules to implement this subsection (12)"

And, as amended, do pass. Report adopted.

SB 328, introduced bill, be amended as follows:

1. Title, page 1, line 13.
Following: "~~AN~~"
Insert: "AN"
Strike: "DATES AND A TERMINATION"

2. Page 1, line 17.
Strike: "5"
Insert: "4"

3. Page 1, line 20.
Strike: "5"
Insert: "4"

4. Page 1, line 29.
Strike: "5"
Insert: "4"

5. Page 2.
Following: line 3
Insert: "(3) "Montana postsecondary institution" means:
(a) a unit of the Montana university system, as defined in 20-25-201;

(b) a Montana community college, defined and organized as provided in 20-15-101; or
(c) an accredited tribal college located in the state of Montana."

6. Page 2, line 5 through page 3, line 21.
Strike: section 4 in its entirety
Renumber: subsequent sections

7. Page 4, line 28.
Strike: "OR"

8. Page 5, line 1.
Following: "ACCOUNT"
Insert: "; or
(c) if the child has not utilized all funds in the account by the child's 25th birthday"

9. Page 5, line 4.
Strike: "DESIGNATED BENEFICIARY" through "PARENT"
Insert: "Montana postsecondary institution where the student is enrolled as a scholarship for the student"

10. Page 5, line 5.
Following: "15-62-103"
Strike: "THAT" through "SYSTEM"
Insert: "of the student"

11. Page 5, line 9.
Strike: "WITHIN" through "SYSTEM."
Insert: "a Montana postsecondary institution. These donations from private sources must be deposited in an account in the state special revenue fund established in 17-2-102."

12. Page 5, line 15.
Strike: the first "DISTRIBUTIONS"
Insert: "a scholarship"

13. Page 9, line 6.
Strike: "5"
Insert: "4"

14. Page 9, line 9.
Strike: "5"
Insert: "4"

15. Page 9, line 11.
Strike: "5"
Insert: "4"

16. Page 9, line 20 through line 21.
Strike: "**-- contingent effective date**" on line 20 through "[THIS" on line 21
Insert: ". [This"

17. Page 9, line 22 through line 26.
Strike: subsection (2) through subsection (3) in their entirety

And, as amended, do pass. Report adopted.

SB 354, do pass. Report adopted.
SB 366, do pass. Report adopted.
SB 369, do pass. Report adopted.

JUDICIARY (Sales, Chair): 2/19/2015
SR 15, introduced resolution, be amended as follows:

1. Title, page 1, line 5.
Strike: "THE MONTANA SUPREME COURT,"

2. Title, page 1, line 6.
Strike: ","

3. Page 1, line 10.
Strike: "appointments"
Insert: "appointment"

4. Page 1, line 11.
Strike: "have"
Insert: "has"

5. Page 1, line 12.
Strike: line 12 in its entirety

And, as amended, be adopted. Report adopted.

MOTIONS

SB 182 - Senator Phillips moved that **SB 182** be taken from Energy and Telecommunications and brought before the Committee of the Whole on February 26, 2015, legislative day 44. Motion **failed** as follows:

Yeas: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 19

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 172 - Senator Stewart-Peregoy moved that **SB 172** be taken from the Natural Resources Committee and brought before the Committee of the Whole on February 26, 2015, legislative day 44. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 291 - Senator Hamlett moved that **SB 291** be taken from the Judiciary Committee and brought before the Committee of the Whole on February 26, 2015, legislative day 44. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 28, introduced by S. Sales, referred to Judiciary.
SR 29, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 14 - Senator Thomas moved **SJ 14** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 - Senator Brenden moved **SB 283** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 32

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Fielder, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Tutvedt, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 319 - Senator Blasdel moved **SB 319** do pass. Motion **failed** as follows:

Yeas: Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 24

Nays: Ankney, Arntzen, Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 319 - Senator Rosendale moved **SB 319** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 331 - Senator Hansen moved **SB 331** do **not** pass.

SB 331 - Senator Rosendale made a **substitute motion** that **SB 331** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 47

Nays: T. Brown, Stewart-Peregoy, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 345 - Senator Arntzen moved **SB 345** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 368 - Senator Rosendale moved **SB 368** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 371 - Senator Blasdel moved **SB 371** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Caferro, Driscoll, Kaufmann, Moe.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 376 - Senator Brenden moved **SB 376** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 37

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, Phillips, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 390 - Senator Arntzen moved **SB 390** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 12 - Senator Moe moved **SB 12** do pass.

SB 12 - Senator T. Brown moved **SB 12**, second reading copy, be amended as follows:

1. Title, page 1.
Strike: "OR" on line 6 through "OLDER" on line 7

2. Title, page 1, line 8.
Strike: "OR OLDER"

3. Title, page 1, line 10.
Strike: "OR OLDER"

4. Page 6, line 15.
Strike: "19 years of age or older"
Insert: "who has not reached 20 years of age by September 10 of the school year,"

5. Page 6, line 15.
Following: "graduated"
Insert: ","

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 12 - Senator Moe moved **SB 12**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 35

Nays: Arntzen, Blasdel, Brenden, Hansen, Hinkle, Howard, Keenan, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Webb, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Thomas assumed the chair.

SB 262 - Senator Vincent moved **SB 262** do pass.

SB 262 - Senator Taylor moved **SB 262**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Following: "PERMITTING;"
Insert: "REQUIRING INTERIM REPORTING;"

2. Page 126, line 28.
Following: line 27
Insert: "NEW SECTION. **Section 3. Interim reporting.** By June 1 of each year, the department of natural resources and conservation shall present a report on all activities related to the implementation of the compact to the legislative finance committee. The report must contain an itemized list of expenditures made in the implementation of the compact within the last 12 months or since the last report was submitted, whichever is longer."
Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Webb.
Total 15

Nays: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 262 - Senator Taylor moved **SB 262**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Following: "PERMITTING;"
Insert: "REQUIRING AN ANNUAL AUDIT OF EXPENSES INCURRED DUE TO IMPLEMENTATION OF THE COMPACT;"

2. Page 126, line 28.
Following: line 27
Insert: "NEW SECTION. **Section 3. Annual audit of expenditures related to implementation of compact.** The department of natural resources and conservation is required to have completed an annual audit of all expenses incurred by the state due to the implementation of the compact. The audit must be provided to the state-tribal relations committee within 30 days of its completion."

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Rosendale, Sales, Smith, Taylor, Vance, Webb.
Total 14

Nays: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 36

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 262 - Senator Brenden moved **SB 262**, second reading copy, be amended as follows:

1. Page 27.
Following: line 30
Insert: "c. All Persons diverting or using the Tribal Water Right off the Reservation, including the Tribes as sovereign, shall apply for all permits, certificates, variances, and other authorizations required by valid state laws, including but not limited to Title 75, chapter 1, MCA, and Title 75, chapter 20, MCA, regulating, conditioning, or permitting the siting, construction, operation, alteration, or use of any equipment, device, facility, or associated facility proposed to use or transport water located off the Reservation, and shall comply with all applicable provisions of this Compact. A diversion or use of water in the exercise of the Tribal Water Right may be made only after all permits, certificates, variances, or other authorizations applied for pursuant to this paragraph have been obtained, and the diversion or use has not been found unlawful by a Court of Competent Jurisdiction."

2. Page 28, line 1 through line 14.
Strike: subsections IV.B.5.c and IV.B.5.d in their entirety
Renumber: subsequent subsection

3. Page 28, line 26.
Strike: "subsections iii and iv"
Insert: "subsection iii"

4. Page 29, line 10 through line 26.

Strike: subsections IV.B.6.a.iii.2 and IV.B.6.a.iv in their entirety
Renumber: subsequent subsections

5. Page 30.
Following: line 1
Insert: "v. All Persons leasing the Tribal Water Right for use or diversion off the Reservation, including the Tribes as sovereign, shall apply for all permits, certificates, variances, and other authorizations required by valid state laws, including but not limited to Title 75, chapter 1, MCA, and Title 75, chapter 20, MCA, regulating, conditioning, or permitting the siting, construction, operation, alteration, or use of any equipment, device, facility, or associated facility proposed to use or transport water located off the Reservation, and shall comply with all applicable provisions of this Compact. A diversion or use of water in the exercise of the Tribal Water Right may be made only after all permits, certificates, variances, or other authorizations applied for pursuant to this paragraph have been obtained, and the diversion or use has not been found unlawful by a Court of Competent Jurisdiction."

6. Page 31, line 24 through page 32, line 13.
Strike: subsections IV.B.6.c.vi and IV.B.6.c.vii in their entirety
Renumber: subsequent subsections

7. Page 32.
Following: line 19
Insert: "vii. All Persons leasing the Tribal Water Right for use or diversion off the Reservation, including the Tribes as sovereign, shall apply for all permits, certificates, variances, and other authorizations required by valid state laws, including but not limited to Title 75, chapter 1, MCA, and Title 75, chapter 20, MCA, regulating, conditioning, or permitting the siting, construction, operation, alteration, or use of any equipment, device, facility, or associated facility proposed to use or transport water located off the Reservation, and shall comply with all applicable provisions of this Compact. A diversion or use of water in the exercise of the Tribal Water Right may be made only after all permits, certificates, variances, or other authorizations applied for pursuant to this paragraph have been obtained, and the diversion or use has not been found unlawful by a Court of Competent Jurisdiction."

Amendment **not** adopted as follows:

Yeas: Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Keenan, Moore, Rosendale, Sales, Smith, Taylor, Vance, Webb, Ms. President.
Total 15

Nays: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 35

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 262 - Thereupon, the Senate reverted to the original motion of Senator Vincent which passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Whitford, Windy Boy, Wolken.
Total 31

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vuckovich, Webb, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hinkle rose to apologize for statements made during testimony.

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Blasdel, Brenden, D. Brown, Hinkle, Keenan, Sales, Smith, Taylor, Vance, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Majority Leader Rosendale moved the Senate adjourn until 9:00 a.m., Thursday, February 26, 2015, the 44th legislative day. Motion carried.

Senate adjourned at 6:25 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 26, 2015
State Capitol

Senate convened at 9:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 2/26/2015

Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-first through thirty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 191**, **SB 238**, **SB 254**, **SB 262**, **SB 272**, **SB 283**, **SB 286**, **SB 289**, **SB 298**, **SB 307**, **SB 316**, **SB 328**, **SB 345**, **SB 349**, **SB 353**, **SB 354**, **SB 355**, **SB 360**, **SB 361**, **SB 362**, **SB 364**, **SB 366**, **SB 368**, **SB 369**, **SB 371**, **SB 376**, **SB 377**, **SB 379**, **SB 384**, **SB 385**, **SB 389**, **SB 390**, **SJ 13**, **SJ 14**, **SJ 15**, **SJ 16**.
Correctly engrossed: **SB 12**.
Examined by the sponsor and found to be correct: **SB 139**.
Transmitted to the House: **SB 12**, **SB 79**, **SB 191**, **SB 238**, **SB 258**, **SB 261**, **SB 262**, **SB 263**, **SB 269**, **SB 270**, **SB 272**, **SB 283**, **SB 286**, **SB 289**, **SB 292**, **SB 293**, **SB 298**, **SB 307**, **SB 316**, **SB 318**, **SB 325**, **SB 328**, **SB 329**, **SB 330**, **SB 333**, **SB 334**, **SB 335**, **SB 336**, **SB 338**, **SB 345**, **SB 347**, **SB 349**, **SB 350**, **SB 351**, **SB 353**, **SB 354**, **SB 355**, **SB 356**, **SB 360**, **SB 361**, **SB 364**, **SB 366**, **SB 367**, **SB 368**, **SB 371**, **SB 372**, **SB 376**, **SB 377**, **SB 379**, **SB 384**, **SB 385**, **SB 389**, **SB 390**, **SJ 11**, **SJ 13**, **SJ 14**, **SJ 15**, **SJ 16**.
Signed by the Secretary of the Senate at 12:30 p.m., February 26, 2015: **SB 139**.
Signed by the President at 4:20 p.m., February 26, 2015: **SB 139**.

MESSAGES FROM THE GOVERNOR

February 25, 2015

Senator Debby Barrett, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Barrett:

On Wednesday, February 25, 2015, I signed the following bills:

Senate Bill 58 - P. Connell
Senate Bill 59 - R. Driscoll

Senate Bill 62 - T. Brown
Senate Bill 65 - R. Driscoll
Senate Bill 81 - T. Facey
Senate Bill 104 - E. Arntzen
Senate Bill 117 - B. Tutvedt
Senate Bill 164 - B. Hoven

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/25/2015

HB 394, introduced by G. Bennett
HB 434, introduced by E. Lieser
HB 441, introduced by J. Essmann

MOTIONS

SB 362 - Senator Connell moved that **SB 362** be taken from Judiciary and brought before the Committee of the Whole this date. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Jones, Keane, Larsen, Malek, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 25

Nays: Arntzen, Blasdel, Brenden, D. Brown, Caferro, Cohenour, Fielder, Hansen, Howard, Kary, Kaufmann, Keenan, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Smith, Taylor, Thomas, Vance, Vincent, Webb.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 15 - Senator Thomas moved **SJ 15** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Senator Thomas moved **SB 363** do pass. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 25

Nays: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Majority Leader Rosendale moved **SB 363** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 35

Nays: Arntzen, Brenden, D. Brown, Fielder, Hoven, Howard, Phillips, Ripley, Sales, Smith, Taylor, Thomas, Vincent, Webb, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 238 - Senator Blasdel moved **SB 238** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 43

Nays: D. Brown, Hansen, Howard, Kary, Keenan, Sales, Wolken.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307 - Senator Stewart-Peregoy moved **SB 307** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 298 - Senator Fielder moved **SB 298** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 36

Nays: Barrett Dick, Caferro, Connell, Driscoll, Kaufmann, Keane, Larsen, Malek, Phillips, Pomnichowski, Sesso, Vuckovich, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Facey assumed the chair.

SJ 16 - Senator Thomas moved **SJ 16** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hansen, Hoven, Howard, Kary, Kaufmann, Keenan, Larsen, Malek, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Cohenour, Connell, Driscoll, Hamlett, Hinkle, Jones, Keane, McNally, Pomnichowski, Sesso, Swandal.
Total 11

Absent or not voting: None.
Total 0

Excused: None.

Total 0

Senator Phillips assumed the chair.

SB 364 - Senator Cohenour moved **SB 364** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Hinkle, Kary, Kaufmann, Malek, Pomnichowski, Sales, Vance.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 349 - Senator C. Smith moved **SB 349** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 30

Nays: Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 360 - Senator Kary moved **SB 360** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, McNally, Moore, Phillips, Rosendale, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms.

President.
Total 30

Nays: Barrett Dick, D. Brown, Caferro, Cohenour, Facey, Hamlett, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, Moe, Pomnichowski, Ripley, Sales, Sands, Sesso, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 377 - Senator Connell moved **SB 377** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Whitford, Windy Boy.
Total 37

Nays: D. Brown, Caferro, Fielder, Hinkle, Malek, Pomnichowski, Sales, Sands, Sesso, Vincent, Vuckovich, Wolken, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 379 - Senator Vance moved **SB 379** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 385 - Senator Webb moved **SB 385** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 389 - Senator Hamlett moved **SB 389** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kary, Keane, Larsen, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Barrett Dick, Blasdel, Caferro, Hinkle, Howard, Kaufmann, Keenan, Malek, Moore, Rosendale, Sales, Smith, Vance, Vincent, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 289 - Senator Ankney moved **SB 289** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 346 - Senator Arntzen moved **SB 346** do pass. Motion **failed** as follows:

Yeas: Arntzen, Brenden, Caferro, Connell, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Rosendale, Sales, Smith, Swandal, Thomas, Vance, Vincent.
Total 17

Nays: Ankney, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Driscoll, Hamlett, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 346 - Majority Leader Rosendale moved **SB 346** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Arntzen, Caferro, Hoven, Thomas, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Brenden, Kary, Moore, Sales, Smith.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 258 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 261 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Brenden, D. Brown, Fielder, Hinkle, Howard, Keenan, Sales, Smith, Vance.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 262 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Whitford, Windy Boy, Wolken.
Total 31

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vuckovich, Webb, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Pomnichowski, Sesso.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Tutvedt, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 318 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 330 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 336 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 345 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 351 passed as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 356 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 367 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 368 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 371 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 35

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Malek, Moe, Phillips, Pomnichowski, Sands, Whitford, Windy Boy, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 34

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 376 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moe, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 390 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 14 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Rosendale moved the Senate recess until 1:00 p.m. this day. Motion carried.

Senate recessed at 12:10 p.m.

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Senate was called back to order at 1:00 p.m., recessed for caucuses, and reconvened at 1:20 p.m.

MOTIONS

SB 179 - Senator Kaufmann moved that **SB 179** be taken from Judiciary and brought before the Committee of the Whole this date. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 262 - Senator Vuckovich moved to change his third-reading vote on **SB 262** from Yes to No. Without objection, so ordered.

SB 362 - Senator Hamlett moved that **SB 362** be taken from Judiciary and brought before the

Committee of the Whole this date. Motion **passed** as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 26

Nays: Arntzen, Blasdel, Brenden, D. Brown, Caferro, Cohenour, Hansen, Hinkle, Howard, Kary, Kaufmann, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Rules - Majority Leader Rosendale moved the Senate suspend its rules to conduct third reading this date on bills which pass second reading or bills which are otherwise awaiting third reading. Motion **passed** as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on

second reading, recommend as follows:

SJ 13 - Senator Ankney moved **SJ 13** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 38

Nays: Barrett Dick, Cohenour, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Wolken.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 354 - Senator Ripley moved **SB 354** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 353 - Senator Ripley moved **SB 353** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 191 - Senator Driscoll moved **SB 191** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 - Senator Windy Boy moved **SB 272** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Brenden, Sales, Smith, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 286 - Senator C. Smith moved **SB 286** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 316 - Senator Webb moved **SB 316** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Phillips, Ripley, Sales, Vance, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 323 - Senator Fielder moved **SB 323** do pass. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Tutvedt, Vincent, Webb, Ms. President.
Total 24

Nays: Ankney, Barrett Dick, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 323 - Majority Leader Rosendale moved **SB 323** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 43

Nays: Blasdel, Fielder, Hoven, Taylor, Thomas, Webb, Ms. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 328 - Senator L. Jones moved **SB 328** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Hamlett, Hoven, Jones, Kary, Keane, Larsen, McNally, Moe, Moore, Rosendale, Sesso, Stewart-Peregoy, Thomas, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 30

Nays: Barrett Dick, Cohenour, Facey, Fielder, Hansen, Hinkle, Howard, Kaufmann, Keenan, Malek, Phillips, Pomnichowski, Ripley, Sales, Sands, Smith, Swandal, Taylor, Tutvedt, Vance.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 - Senator Fielder moved **SB 348** do pass.

SB 348 - Senator Fielder moved **SB 348**, second reading copy, be amended as follows:

1. Page 1, line 29.
Following: line 28
Insert: "(c) This subsection (2) applies only to purchases of 5,000 or more acres."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moe, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 - As amended, **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 22

Nays: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 348 - Majority Leader Rosendale moved **SB 348** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 41

Nays: D. Brown, Fielder, Hinkle, Hoven, Smith, Taylor, Thomas, Webb, Ms. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 355 - Senator Ankney moved **SB 355** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hamlett, Hansen, Hinkle, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 28

Nays: Arntzen, Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Fielder, Hoven, Howard, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Whitford, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 361 - Senator Hamlett moved **SB 361** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 - Senator Caferro moved **SB 366** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Hinkle, Rosendale, Sales, Smith, Vance.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 369 - Senator D. Brown moved **SB 369** do pass. Motion **failed** as follows:

Yeas: Blasdel, D. Brown, Caferro, Hamlett, Hansen, Keane, Keenan, Rosendale, Sales, Stewart-Peregoy, Taylor, Thomas, Vance, Vincent, Windy Boy, Ms. President.
Total 16

Nays: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Swandal, Tutvedt, Vuckovich, Webb, Whitford, Wolken.
Total 34

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 369 - Majority Leader Rosendale moved **SB 369** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Wolken.
Total 37

Nays: Arntzen, Blasdel, D. Brown, Hamlett, Hoven, Keane, Sales, Smith, Stewart-Peregoy, Taylor, Webb, Windy Boy, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 384 - Senator Webb moved **SB 384** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 254 - Senator Keane moved **SB 254** do pass. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Brenden, Caferro, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vance, Vuckovich, Windy Boy, Wolken.

Total 25

Nays: Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vincent, Webb, Whitford, Ms. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 254 - Majority Leader Rosendale moved **SB 254** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Larsen, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Whitford, Ms. President.
Total 33

Nays: Ankney, Barrett Dick, D. Brown, Caferro, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Vuckovich, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 362 - Senator Hamlett moved **SB 362** do pass. Motion **failed** as follows:

Yeas: Connell, Facey, Fielder, Hamlett, Hoven, Keane, Larsen, Phillips, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 14

Nays: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keenan, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 36

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 362 - Majority Leader Rosendale moved **SB 362** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 39

Nays: Facey, Hamlett, Hoven, Keane, Phillips, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

MOTIONS

Majority Leader Rosendale moved the Senate recess to prepare for third reading. Motion carried.

Senate recessed at 4:15 p.m. and reconvened at 4:40 p.m.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 12 passed as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 34

Nays: Arntzen, Blasdel, Brenden, Hansen, Hinkle, Howard, Keenan, Ripley, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 79 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 191 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: D. Brown, Webb.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 238 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: D. Brown, Hansen, Howard, Kary, Keenan, Sales, Vance, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 43

Nays: Brenden, Fielder, Rosendale, Sales, Smith, Vincent, Ms. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 286 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 289 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb,

Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 298 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moe, Moore, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sesso, Vuckovich, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 316 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: D. Brown, Hinkle, Sales, Vance, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 328 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Hamlett, Jones, Kary, Larsen, Moe, Moore, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 26

Nays: Barrett Dick, Brenden, Cohenour, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Kaufmann, Keane, Keenan, Malek, McNally, Phillips, Pomnichowski, Ripley, Sales, Sands, Smith, Swandal, Taylor, Vance, Ms. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 349 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy,

Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 353 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 354 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 355 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hamlett, Hansen, Hinkle, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Fielder, Hoven, Howard, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 360 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hansen, Hoven, Howard, Kary, Larsen, McNally, Moore, Phillips, Rosendale, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, D. Brown, Caferro, Cohenour, Facey, Hamlett, Hinkle, Jones, Kaufmann, Keane, Keenan, Malek, Moe, Pomnichowski, Ripley, Sales, Sands, Sesso, Vincent, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 361 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 364 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Caferro, Hinkle, Kaufmann, Keane, Malek, Pomnichowski, Sales, Vance.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Hinkle, Howard, Kary, Rosendale, Sales, Smith, Vance.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 377 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: D. Brown, Caferro, Fielder, Hinkle, Kaufmann, Malek, Pomnichowski, Sales, Sands, Sesso, Vincent, Vuckovich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 379 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 384 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Caferro, Kaufmann, Keane.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 385 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 389 passed as follows:

Yeas: Ankney, Arntzen, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Barrett Dick, Blasdel, Hinkle, Howard, Kaufmann, Malek, Moore, Rosendale, Sales, Smith, Vance, Vincent, Webb.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 13 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 37

Nays: Barrett Dick, Caferro, Cohenour, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Wolken.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 15 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 16 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hansen, Hoven, Howard, Kary, Kaufmann, Keenan, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Cohenour, Driscoll, Hamlett, Hinkle, Jones, Keane, Larsen, Pomnichowski, Sesso, Whitford.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Sesso moved to change his third-reading vote on **SB 366** from No to Yes. Without objection, so ordered.

Senator Sesso moved to change his third-reading vote on **SB 385** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, March 5, 2015, the forty-sixth legislative day. Motion carried.

Senate adjourned at 5:00 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 27, 2015

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
64TH LEGISLATURE
FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 5, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-five members present, Senators Brenden, Caferro, Driscoll, Hansen, and Moe are excused. Quorum present.

BILLS AND JOURNALS 3/5/2015
Correctly engrossed: **SR 12**.
Signed by the Speaker at 3:00 p.m., March 5, 2015: **SB 139**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/23/2015
SR 12, be adopted. Report adopted.

MESSAGES FROM THE GOVERNOR

February 27, 2015

Senator Debby Barrett, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Barrett:

On Friday, February 27, 2015, I signed the following bills:

Senate Bill 1 - D. Kary
Senate Bill 6 - F. Thomas
Senate Bill 16 - D. Brown
Senate Bill 28 - J. Cohenour
Senate Bill 29 - T. Brown
Senate Bill 32 - J. Sesso
Senate Bill 50 - J. Fielder
Senate Bill 51 - Dick Barrett
Senate Bill 63 - T. Brown
Senate Bill 64 - J. Keane

Senate Bill 67 - C. Larsen
Senate Bill 76 - G. Vuckovich
Senate Bill 85 - E. Buttrey
Senate Bill 95 - C. Kaufmann
Senate Bill 108 - F. Moore
Senate Bill 113 - J. Sesso
Senate Bill 163 - E. Buttrey

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

March 5, 2015

Senator Debby Barrett, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Barrett:

On Thursday, March 5, 2015, I signed the following bill:

Senate Bill 135 - T. Facey

The bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/26/2015

HB 381, introduced by T. Burnett
HB 460, introduced by R. Mehlhoff
HB 463, introduced by K. McCarthy
HB 482, introduced by C. Hunter

House bills passed and transmitted to the Senate for concurrence: 2/27/2015

HB 180, introduced by B. Smith
HB 237, introduced by A. Olszewski
HB 284, introduced by K. Dudik
HB 330, introduced by N. Schwaderer
HB 377, introduced by D. Lamm
HB 397, introduced by K. Dudik
HB 410, introduced by J. Essmann
HB 415, introduced by F. Garner
HB 444, introduced by D. Zolnikov
HB 445, introduced by D. Zolnikov
HB 446, introduced by K. Wagoner
HB 450, introduced by K. Wagoner
HB 453, introduced by W. McKamey
HB 454, introduced by S. Fitzpatrick
HB 468, introduced by G. Pierson
HB 474, introduced by J. Eck
HB 483, introduced by E. Lieser
HB 486, introduced by R. Cook
HB 491, introduced by S. Lavin
HB 501, introduced by D. Lamm
HB 504, introduced by D. Hayman
HB 505, introduced by M. Monforton
HB 507, introduced by G. Pierson
HB 513, introduced by A. Person
HB 515, introduced by W. Curdy
HB 516, introduced by M. MacDonald
HB 517, introduced by J. Essmann
HB 518, introduced by R. Ehli
HB 519, introduced by C. Glimm
HB 523, introduced by S. Berglee
HB 525, introduced by M. Noland
HB 529, introduced by V. Court
HB 533, introduced by K. Wagoner
HB 548, introduced by F. Mandeville
HB 549, introduced by M. MacDonald
HB 553, introduced by M. Noland
HB 554, introduced by G. Pierson
HB 555, introduced by S. Fitzpatrick
HB 557, introduced by B. Harris
HB 562, introduced by G. Meyers
HB 564, introduced by A. Person
HB 573, introduced by S. Lavin

HB 575, introduced by T. Burnett
HB 578, introduced by M. Lang
HB 580, introduced by B. Bennett
HB 584, introduced by R. Pinocci
HB 588, introduced by R. Cook

Senate amendments to House bill concurred in: 2/27/2015

HB 166, introduced by K. Regier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 392, introduced by D. Brown, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 164, introduced by N. Schwaderer, referred to Local Government.
HB 191, introduced by J. Eck, A. Wittich, referred to Finance and Claims.
HB 196, introduced by S. Webber, referred to Education and Cultural Resources.
HB 227, introduced by K. Dudik, referred to Judiciary.
HB 244, introduced by J. Essmann, D. Ankney, G. Custer, referred to Finance and Claims.
HB 252, introduced by K. McCarthy, referred to Energy and Telecommunications.
HB 306, introduced by J. Eck, referred to Business, Labor, and Economic Affairs.
HB 318, introduced by E. Hill, C. Schreiner, referred to Public Health, Welfare and Safety.
HB 322, introduced by D. Jones, K. Hansen, referred to Education and Cultural Resources.
HB 337, introduced by J. Karjala, referred to Public Health, Welfare and Safety.
HB 394, introduced by G. Bennett, referred to Highways and Transportation.
HB 402, introduced by A. Knudsen, A. Doane, F. Moore, D. Mortensen, M. Noland, L. Randall, M. Rosendale, S. Staffanson, referred to Finance and Claims.
HB 434, introduced by E. Lieser, referred to Natural Resources.
HB 439, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.
HB 441, introduced by J. Essmann, referred to Local Government.
HB 538, introduced by M. Miller, referred to Business, Labor, and Economic Affairs.
HB 542, introduced by G. Hertz, referred to Business, Labor, and Economic Affairs.
HB 546, introduced by N. Schwaderer, referred to Business, Labor, and Economic Affairs.
HB 550, introduced by K. Swanson, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Dick Barrett in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 312 - Senator Phillips moved consideration of **SB 312** be passed for the day. Without objection, so ordered.

Senator Caferro present at this time.

SB 66 - Senator Sands moved **SB 66** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 39

Nays: Blasdel, D. Brown, Rosendale, Sales, Vance, Vincent, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

Bills - Senator Rosendale moved consideration of **SB 259**, **SB 312**, and **HB 145** be passed for the day. Without objection, so ordered.

SB 306 - Senator Arntzen moved **SB 306** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

SB 365 - Senator Buttrey moved **SB 365** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 40

Nays: D. Brown, Keane, Sesso, Smith, Windy Boy, Ms. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

SJ 12 - Senator Connell moved **SJ 12** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 41

Nays: Ripley, Sales, Smith, Vincent, Ms. President.
Total 5

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

SB 171 - Senator Tutvedt moved **SB 171** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hinkle,

Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Paired: Tutvedt, Vincent, Aye; Driscoll, Moe, No.

Absent or not voting: None.
Total 0

Excused: Brenden, Hansen.
Total 2

SB 234 - Senator Thomas moved **SB 234** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 45

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

SB 252 - Senator L. Jones moved **SB 252** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Hamlett, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Facey, Hinkle, Keane, Sales, Sands, Vance.

Total 6

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

SB 260 - Senator F. Moore moved **SB 260** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Paired: Brenden, Vincent, Aye; Driscoll, Moe, No.

Absent or not voting: None.
Total 0

Excused: Hansen.
Total 1

SB 314 - Senator Webb moved **SB 314** do pass.

SB 314 - Senator Webb moved **SB 314**, second reading copy, be amended as follows:

1. Page 3, line 18.
Strike: "(2)(b)(ii)"
Insert: "(3)(b)(ii)"

2. Page 6, line 10.
Following: "costs."
Insert: "An alteration also must comply with environmental siting processes based on each state's existing authority."

3. Page 15, line 30.
Following: "integral part of Title 75"
Strike: "chapter 20,"
Following: "provisions of Title 75"

Strike: ", chapter 20,"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Caferro, Cohenour, Facey, Kaufmann, Keane, Larsen, Malek, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

SB 314 - As amended, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Paired: Brenden, Hansen, Vincent, Aye; Driscoll, Keane, Moe, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Dick Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley,

Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 33

Nays: Cohenour, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

MOTIONS

Senator Rosendale moved to re-refer **SB 47**, **SB 99**, **SB 259**, **SB 312**, and **HB 145** to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the week:

Erin Dringman from Big Timber, sponsored by Senator Swandal
Bailee Field from Townsend, sponsored by Senator Kaufmann
Jason Griffin from Kalispell, sponsored by Senator Blasdel
Kelcie Murphy from Missoula, sponsored by Senator Wolken
Braden Thier from Trego, sponsored by Senator Vincent

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Friday, March 6, 2015, the forty-seventh legislative day. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 6, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Brenden, Driscoll and Kaufmann excused. Quorum present.

BILLS AND JOURNALS 3/6/2015
Correctly printed: **SB 66**, **SB 171**, **SB 234**, **SB 252**, **SB 260**, **SB 306**, **SB 365**, **SB 392**, **SJ 12**.
Correctly engrossed: **SB 314**.
Delivered to the Governor at 9:00 a.m., March 6, 2015: **SB 139**.

Senator Buttrey introduced the Expressions of Silence from the Montana School for the Deaf and Blind. The group used sign language and dance to interpret recorded music for the Senate.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 3/5/2015
HB 296, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 3/6/2015
HB 28, be concurred in. Report adopted.
HB 203, be concurred in. Report adopted.
HB 298, be concurred in. Report adopted.
HB 466, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 17, introduced by M. Phillips, referred to Natural Resources.
SJ 18, introduced by M. Phillips, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 180, introduced by B. Smith, D. Ankney, T. Berry, B. Hamlett, K. Hansen, B. Harris, A. Knudsen, K. Regier, S. Stewart-Peregoy, J. Windy Boy, Lang, referred to Finance and Claims.
HB 237, introduced by A. Olszewski, F. Garner, W. McKamey, J. Taylor, referred to Public Health, Welfare and Safety.

HB 284, introduced by K. Dudik, R. Peppers, Swandal, referred to Education and Cultural Resources.
HB 330, introduced by N. Schwaderer, referred to Judiciary.
HB 377, introduced by D. Lamm, N. Ballance, G. Bennett, S. Berglee, M. Blasdel, R. Brodehl, B. Brown, T. Burnett, A. Doane, J. Fielder, C. Glimm, D. Hagstrom, K. Hansen, B. Harris, G. Hertz, S. Hess, J. Hinkle, D. Howard, D. Kary, A. Knudsen, S. Laszloffy, S. Lavin, F. Mandeville, T. Manzella, W. McKamey, M. Monforton, D. Mortensen, M. Noland, R. Osmundson, R. Pinocci, A. Redfield, K. Regier, V. Ricci, M. Rosendale, N. Schwaderer, C. Smith, S. Staffanson, N. Swandal, G. Vance, R. Webb, K. White, J. Windy Boy, D. Zolnikov, referred to Education and Cultural Resources.
HB 381, introduced by T. Burnett, N. Ballance, referred to State Administration.
HB 397, introduced by K. Dudik, referred to Judiciary.
HB 410, introduced by J. Essmann, referred to Judiciary.
HB 415, introduced by F. Garner, referred to Highways and Transportation.
HB 444, introduced by D. Zolnikov, referred to Judiciary.
HB 445, introduced by D. Zolnikov, referred to Judiciary.
HB 446, introduced by K. Wagoner, referred to Judiciary.
HB 450, introduced by K. Wagoner, referred to Fish and Game.
HB 453, introduced by W. McKamey, referred to Agriculture, Livestock and Irrigation.
HB 454, introduced by S. Fitzpatrick, referred to State Administration.
HB 460, introduced by R. Mehlhoff, D. Ankney, E. Buttrey, R. Cook, T. Facey, S. Fitzpatrick, M. Funk, C. Glimm, B. Hamlett, K. Hansen, R. Hollandsworth, B. Hoven, C. Hunter, T. Jacobson, L. Jones, C. Larsen, E. Lieser, R. Lynch, S. Malek, K. McCarthy, E. McClafferty, N. McConnell, W. McKamey, M. Moe, P. Noonan, A. Olsen, A. Person, G. Pierson, R. Pinocci, J. Price, L. Randall, R. Ripley, D. Salomon, C. Schreiner, R. Shaw, B. Smith, M. Tropila, G. Vuckovich, T. Woods, referred to State Administration.
HB 463, introduced by K. McCarthy, B. Bennett, R. Cook, A. Doane, B. Harris, J. Hinkle, D. Jones, R. Lynch, R. Mehlhoff, M. Miller, D. Mortensen, R. Pinocci, N. Schwaderer, L. Whitford, A. Wittich, D. Zolnikov, referred to Judiciary.
HB 468, introduced by G. Pierson, referred to Judiciary.
HB 474, introduced by J. Eck, D. Ankney, S. Hess, S. Laszloffy, referred to Judiciary.
HB 482, introduced by C. Hunter, referred to Judiciary.
HB 483, introduced by E. Lieser, W. Curdy, G. Custer, D. Hayman, E. McClafferty, K. Swanson, referred to State Administration.
HB 486, introduced by R. Cook (by request of the House Transportation Standing Committee), referred to Highways and Transportation.
HB 491, introduced by S. Lavin, E. Arntzen, M. Blasdel, E. Buttrey, R. Lynch, G. Pierson, L. Randall, C. Schreiner, J. Sesso, referred to Highways and Transportation.
HB 501, introduced by D. Lamm, referred to Education and Cultural Resources.
HB 504, introduced by D. Hayman, Z. Brown, V. Court, W. Curdy, T. Steenberg, K. Swanson, T. Woods, K. Williams, referred to Local Government.
HB 505, introduced by M. Monforton, referred to Judiciary.
HB 507, introduced by G. Pierson, J. Eck, R. Mehlhoff, C. Pease-Lopez, Z. Perry, J. Price, R. Shaw, K. Swanson, J. Welborn, E. Buttrey, referred to Public Health, Welfare and Safety.
HB 513, introduced by A. Person, referred to Public Health, Welfare and Safety.

HB 515, introduced by W. Curdy, referred to Business, Labor, and Economic Affairs.
HB 516, introduced by M. MacDonald, referred to Judiciary.
HB 517, introduced by J. Essmann, M. Funk, referred to Judiciary.
HB 518, introduced by R. Ehli, referred to Judiciary.
HB 519, introduced by C. Glimm, referred to Natural Resources.
HB 523, introduced by S. Berglee, F. Mandeville, referred to Local Government.
HB 525, introduced by M. Noland, G. Bennett, M. Blasdel, M. Cuffe, A. Doane, J. Essmann, S. Fitzpatrick, F. Garner, C. Glimm, G. Hertz, M. Lang, S. Lavin, F. Mandeville, D. Mortensen, M. Noland, K. Regier, T. Richmond, J. Taylor, B. Tschida, K. White, referred to Natural Resources.
HB 529, introduced by V. Court, referred to State Administration.
HB 533, introduced by K. Wagoner, referred to Judiciary.
HB 548, introduced by F. Mandeville, referred to Local Government.
HB 549, introduced by M. MacDonald, referred to Highways and Transportation.
HB 553, introduced by M. Noland, G. Bennett, B. Brown, S. Fitzpatrick, C. Glimm, E. Lieser, A. Olsen, B. Smith, S. Staffanson, J. Taylor, referred to Natural Resources.
HB 554, introduced by G. Pierson, referred to Business, Labor, and Economic Affairs.
HB 555, introduced by S. Fitzpatrick, R. Lynch, referred to Local Government.
HB 557, introduced by B. Harris, referred to Agriculture, Livestock and Irrigation.
HB 562, introduced by G. Meyers, S. Berglee, R. Brodehl, A. Doane, C. Fiscus, C. Glimm, B. Harris, S. Hess, D. Lamm, S. Laszloffy, T. Manzella, M. Monforton, A. Olszewski, K. Wagoner, K. White, F. Mandeville, referred to State Administration.
HB 564, introduced by A. Person, referred to State Administration.
HB 573, introduced by S. Lavin, referred to Highways and Transportation.
HB 575, introduced by T. Burnett, referred to State Administration.
HB 578, introduced by M. Lang, J. Brenden, A. Knudsen, referred to State Administration.
HB 580, introduced by B. Bennett, J. Essmann, referred to State Administration.
HB 584, introduced by R. Pinocci, S. Berglee, C. Clark, C. Fiscus, T. Manzella, M. Monforton, D. Mortensen, K. Regier, referred to Judiciary.
HB 588, introduced by R. Cook, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 78 - Senator Facey moved consideration of **HB 78** be passed to Tuesday, March 10, 2015, the forty-ninth legislative day. Without objection, so ordered.

SB 275 - Senator Rosendale moved consideration of **SB 275** be passed to Monday March 9,

2015, the forty-eighth legislative day. Without objection, so ordered.

Senator Kaufmann present at this time.

HB 206 - Senator Cohenour moved **HB 206** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 265 - Senator Hansen moved **HB 265** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 50 - Senator Facey moved **HB 50** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley,

Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 126 - Senator Larsen moved **HB 126** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 158 - Senator Facey moved **HB 158** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Blasdel, D. Brown, Caferro, Fielder, Hansen, Hinkle, Howard, Moore, Sales, Smith, Taylor, Vance, Vincent.
Total 13

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 144 - Senator Hinkle moved **HB 144** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 46

Nays: Sales, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 221 - Senator Ripley moved **HB 221** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Rosendale, Webb.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 16 - Senator Keenan moved **HB 16** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, T. Brown, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 22

Nays: Ankney, Barrett Dick, D. Brown, Buttrey, Caferro, Cohenour, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 16 - Majority Leader Rosendale moved **HB 16** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 40

Nays: Blasdel, D. Brown, Connell, Hinkle, Sales, Smith, Tutvedt, Ms. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 212 - Senator Fielder moved **HB 212** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 135 - Senator Moe moved **HB 135** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 161 - Senator Hinkle moved **HB 161** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 12 - Senator Swandal moved **HB 12** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich,

Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Hansen, Rosendale, Smith.
Total 3

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

HB 19 - Senator Moe moved **HB 19** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 32

Nays: Ankney, D. Brown, T. Brown, Buttrey, Howard, Jones, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Barrett Dick, Hinkle, Phillips, Pomnichowski, Sales, Smith.
Total 6

Absent or not voting: None.

Total 0

Excused: Brenden, Driscoll.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 66 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 40

Nays: Blasdel, D. Brown, Rosendale, Sales, Smith, Vance, Vincent, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

SB 171 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

SB 234 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

SB 252 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 39

Nays: Facey, Kaufmann, Keane, Malek, Phillips, Pomnichowski, Stewart-Peregoy, Whitford, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

SB 260 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford,

Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

SB 306 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

SB 365 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 40

Nays: D. Brown, Caferro, Fielder, Keane, Sesso, Smith, Windy Boy, Ms. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

SJ 12 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 42

Nays: Fielder, Ripley, Sales, Smith, Vance, Ms. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll.
Total 2

MOTIONS

Senator Phillips moved to change his third reading vote on **SB 171** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Monday, March 9, 2015, the forty-eighth legislative day. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 9, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 3/9/2015
Correctly printed: **SJ 17**, **SJ 18**, **HB 12**, **HB 19**, **HB 28**, **HB 50**, **HB 126**, **HB 135**, **HB 158**, **HB 203**, **HB 206**, **HB 221**, **HB 296**, **HB 298**, **HB 466**.
Correctly engrossed: **SB 380**, **HB 144**, **HB 161**, **HB 212**, **HB 265**.
Transmitted to the House: **SB 66**, **SB 171**, **SB 234**, **SB 252**, **SB 260**, **SB 306**, **SB 365**, **SJ 12**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 3/9/2015
SB 380, do pass. Report adopted.
HB 233, be concurred in. Report adopted.
HB 354, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 6, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Fish and Wildlife Commission
MCA 2-15-3402

! Mr. Richard Kerstein, Box 685, Scobey, MT 59263, was appointed to serve a term starting March 16, 2015 and ending January 1, 2019. Mr. Kerstein fulfills the qualifications of District 4 Representative for the Commission.

! Mr. Dan Vermillion, PO Box 668, Livingston, MT 59047, was reappointed to serve a term starting March 16, 2015 and ending January 1, 2019. Mr. Vermillion fulfills the qualifications of District 2 Representative for the Commission.

Board of Veterinary Medicine
MCA 2-15-1742

! Dr. Jean Lindley, E. Main Animal Clinic, 2719 Main, Miles City, MT 59301, was appointed to serve a term starting March 6, 2015 and ending July 31, 2015. Ms. Lindley fulfills the qualifications of Licensed Veterinarian for the Board.

! Dr. Paul W. McCann, 5051 Highway 2 West, Havre, MT 59501, was appointed to serve a term starting March 6, 2015 and ending August 1, 2019. Mr. McCann fulfills the qualifications of Licensed Veterinarian for the Board.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

March 9, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Monday, March 9, 2015, I returned **Senate Bill 72** -- T. Brown to the Secretary of State's Office without signature.

Sincerely,

STEVE BULLOCK
Governor

MOTIONS

Senator Facey moved **HB 78** be taken from the second reading board and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Senator Rosendale moved **HB 28** and **HB 87** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 393, introduced by E. Arntzen, E. Buttrey, F. Garner, D. Jones, S. Lavin, M. MacDonald, L. Randall, D. Sands, K. Swanson, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Pomnichowski in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 275 - Senator Webb moved **SB 275** do pass. **SB 275** will continue to third reading with the mathematical possibility of obtaining the necessary 2/3 vote of the entire Legislature. Senate vote as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Nays: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 260 - Senator Swandal moved **HB 260** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 53 - Senator Facey moved **HB 53** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 90 - Senator Facey moved **HB 90** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt,

Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 162 - Senator Cohenour moved **HB 162** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 250 - Senator Ripley moved **HB 250** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 34

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 61 - Senator Buttrey moved **HB 61** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 42

Nays: Brenden, Fielder, Hinkle, Ripley, Sales, Taylor, Vance, Ms. President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 83 - Senator Sands moved **HB 83** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 98 - Senator Malek moved **HB 98** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 43 - Senator McNally moved **HB 43** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 88 - Senator Sands moved **HB 88** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 133 - Senator Driscoll moved **HB 133** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Blasdel, Brenden, D. Brown, Hinkle, Kary, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 129 - Senator Swandal moved **HB 129** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 165 - Senator Moe moved **HB 165** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 186 - Senator Sands moved **HB 186** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Phillips.
Total 1

Absent or not voting: None.

Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 314 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 12 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Blasdel, T. Brown, Hansen, Rosendale, Smith.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 19 concurred in as follows:

Yeas: Ankney, Barrett Dick, Brenden, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 36

Nays: Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Moore, Ripley, Rosendale, Smith, Taylor, Thomas, Vance, Webb, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 50 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 126 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Blasdel, Hinkle, Sales, Taylor, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 135 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 144 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: Facey, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 158 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 36

Nays: Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Moore, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 161 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 206 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 212 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 221 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Kary, Rosendale.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 265 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator T. Brown moved to change his third reading vote on **SB 314** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the week:

Josh Brigham from Belgrade, sponsored by Senator Vance
Drew Conrady from Anaconda, sponsored by Senator Webb
Rowan Fogerty from Anaconda, sponsored by Senator Webb
Dru Genger from Augusta, sponsored by Senator Ripley
Nathan Schleh from Manhattan, sponsored by Senator Vance
Logan Thiel from Sidney, sponsored by Senator Rosendale
Mason Thiel from Sidney, sponsored by Senator Rosendale

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Tuesday, March 10, 2015, the forty-ninth legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 10, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 3/10/2015
Correctly printed: **SB 275**, **SB 393**, **HB 43**, **HB 53**, **HB 61**, **HB 83**, **HB 88**, **HB 90**, **HB 98**, **HB 129**, **HB 133**, **HB 162**, **HB 186**, **HB 233**, **HB 250**, **HB 260**, **HB 354**.
Correctly engrossed: **SB 378**, **HB 102**, **HB 165**, **HB 285**, **HB 319**.
Transmitted to the House: **SB 314**, **HB 12**, **HB 19**, **HB 50**, **HB 126**, **HB 135**, **HB 144**, **HB 158**, **HB 161**, **HB 206**, **HB 212**, **HB 221**, **HB 265**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/10/2015
HB 102, be amended as follows:

1. Page 7, line 16.
Strike: "actor"
Insert: "person"

2. Page 10, line 26.
Strike: "agency agreement"
Insert: "buyer broker agreement or written listing agreement"

3. Page 10, line 27.
Following: "the acts of"
Strike: "an agent"
Insert: "a buyer agent or a seller agent"
Following: "who is acting as"
Strike: "an agent"
Insert: "a buyer agent or a seller agent"

4. Page 10, line 28.
Strike: "agency agreement"
Insert: "buyer broker agreement or written listing agreement"

And, as amended, be concurred in. Report adopted.

HB 225, be concurred in. Report adopted.
HB 285, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3, line 8.
Following: line 7
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 3/9/2015
SR 14, preliminary report.
SR 16, be adopted. Report adopted.
SR 23, be adopted. Report adopted.
HB 319, be amended as follows:

1. Page 1, line 13.
Following: "Optometrist,"
Insert: "Naturopathic Physician,"

2. Page 1, line 18.
Following: "optometrists,"
Insert: "naturopathic physicians,"

3. Page 1, line 30.
Following: "optometrist,"
Insert: "naturopathic physician,"

4. Page 2, line 8.
Following: "optometrist,"
Insert: "naturopathic physician,"

5. Page 2, line 19.
Following: "optometrist,"
Insert: "naturopathic physician,"

6. Page 2, line 27.
Following: "optometrist,"
Insert: "naturopathic physician,"

7. Page 3, line 6.
Following: "optometrist,"
Insert: "naturopathic physician,"

8. Page 3, line 11.
Following: "optometrist,"
Insert: "naturopathic physician,"

9. Page 3, line 21.
Following: "optometrist,"
Insert: "naturopathic physician,"

10. Page 3, line 24.
Following: "optometrist,"
Insert: "naturopathic physician,"

11. Page 4, line 6.
Following: "optometrist,"
Insert: "naturopathic physician,"

And, as amended, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 3/10/2015
SB 378, introduced bill, be amended as follows:

1. Page 1, line 23 through line 24.
Strike: subsection (A) in its entirety
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/09/2015

HB 89, introduced by K. Dudik
HB 223, introduced by C. Clark
HB 228, introduced by T. Berry
HB 363, introduced by M. Funk
HB 367, introduced by G. Custer
HB 481, introduced by C. Hunter

MOTIONS

Majority Leader Rosendale moved **SB 206** be taken from second reading this date and re-referred to the Public Health, Welfare and Safety Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 394, introduced by M. Blasdel, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 89, introduced by K. Dudik (by request of the Department of Justice), referred to Judiciary.
HB 223, introduced by C. Clark, referred to Business, Labor, and Economic Affairs.
HB 228, introduced by T. Berry, G. Custer, R. Peppers, T. Richmond, D. Ankney, T. Brown, referred to Taxation.
HB 363, introduced by M. Funk, D. Zolnikov, referred to Business, Labor, and Economic Affairs.
HB 367, introduced by G. Custer, referred to Local Government.
HB 481, introduced by C. Hunter, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fielder in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 3 - Senator Driscoll moved **SJ 3** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 35

Nays: Blasdel, Brenden, Hansen, Howard, Jones, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 15

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 80 - Senator Vuckovich moved **HB 80** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 95 - Senator Facey moved **HB 95** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 296 - Senator Connell moved **HB 296** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 187 - Senator Tutvedt moved **HB 187** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Fielder moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 275 will be transmitted to the House with the mathematical possibility of obtaining the necessary 2/3 vote of the Legislature. Senate vote as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 24

Nays: Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 43 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 53 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 61 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Brenden, Hinkle, Keenan, Ripley, Sales, Smith, Taylor, Vance, Vincent.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 83 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 88 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 90 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 98 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Brenden, D. Brown, Ripley.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 129 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 133 concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek,

McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 35

Nays: Arntzen, Blasdel, Brenden, D. Brown, Hinkle, Kary, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 162 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 165 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 186 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 250 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Wolken, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 260 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 9 - Senator Sales moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 9**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 10 - Senator Sales moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 10**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 11 - Senator Sales moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 11**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 46

Nays: Malek, Stewart-Peregoy, Whitford, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 12 - Senator Buttrey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 12**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Brenden.
Total 1

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SR 15 - Senator Sales moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 15**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 17 - Senator Arntzen moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 17**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 22 - Senator Thomas moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 22**. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann,

Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Ankney, Brenden, Sales, Vance.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Rosendale moved **HB 517** be taken from Judiciary and re-referred to the Public Health, Welfare and Safety Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Wednesday, March 11, 2015, the fiftieth legislative day. Motion carried.

Senate adjourned at 1:55 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FIFTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 11, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Sands excused. Quorum present.

BILLS AND JOURNALS 3/11/2015
Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-sixth through the fortieth legislative days find the same to be correct.

Correctly printed: **SB 394**, **SR 16**, **SR 23**, **SJ 3**, **HB 80**, **HB 95**, **HB 187**, **HB 225**.
Correctly engrossed: **SB 91**, **SB 308**, **HB 279**, **HB 296**, **HB 353**, **HB 355**.
Correctly enrolled: **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SR 15**, **SR 17**, **SR 22**.
Examined by the sponsor and found to be correct: **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SR 15**, **SR 17**, **SR 22**.
Transmitted to the House: **SB 275**, **HB 43**, **HB 53**, **HB 61**, **HB 83**, **HB 88**, **HB 90**, **HB 98**, **HB 129**, **HB 133**, **HB 162**, **HB 165**, **HB 186**, **HB 250**, **HB 260**.
Signed by the Secretary of the Senate at 4:10 p.m., March 11, 2015: **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SR 15**, **SR 17**, **SR 22**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/10/2015
SR 26, be adopted. Report adopted.
HB 194, be concurred in. Report adopted.
HB 355, be concurred in. Report adopted.
HB 390, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 3/10/2015
HB 353, be amended as follows:

1. Title, page 1, line 8.
Strike: "AND"

2. Title, page 1, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 5

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 393, be concurred in. Report adopted.
HJ 15, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 3/10/2015
HB 279, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 3/11/2015
SB 91, introduced bill, be amended as follows:

1. Page 3, line 9.
Following: "government"
Insert: "if those taxes or debts can be liened or levied upon pursuant to 26 U.S.C. 5000A(g)"

And, as amended, do pass. Report adopted.

SB 308, introduced bill, be amended as follows:

1. Page 3, line 26.
Following: "taxing unit for"
Insert: "less than $100 a year and that is used for"

2. Page 3, line 28.
Following: "buildings."
Insert: "The exemption must be applied for by the municipality or taxing unit, and not more than 10 acres within the municipality or taxing unit may be exempted."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/10/2015

HB 422, introduced by R. Ehli
HB 429, introduced by E. Hill
HB 431, introduced by M. Dunwell
HB 478, introduced by K. Williams

MOTIONS

Senator T. Brown moved **HB 501** be re-referred from the Education and Cultural Resources Committee to the Judiciary Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 395, introduced by M. Blasdel, G. Bennett, J. Brenden, E. Buttrey, S. Fitzpatrick, C. Glimm, R. Ripley, C. Smith, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 422, introduced by R. Ehli, referred to Public Health, Welfare and Safety.
HB 429, introduced by E. Hill, A. Olszewski, A. Wittich, referred to Public Health, Welfare and Safety.
HB 431, introduced by M. Dunwell, referred to State Administration.
HB 478, introduced by K. Williams, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Stewart-Peregoy in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 380 - Senator Larsen moved **SB 380** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Vincent.
Total 1

Absent or not voting: None.

Total 0

Excused: Sands.
Total 1

HB 222 - Senator Tutvedt moved **HB 222** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Paired: Tutvedt, Aye; Sands, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 233 - Senator Hansen moved **HB 233** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 354 - Senator Wolken moved **HB 354** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 132 - Senator Buttrey moved **HB 132** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 39

Nays: Hansen, Hinkle, Hoven, Howard, Moore, Rosendale, Smith, Swandal, Windy Boy, Ms. President.
Total 10

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 241 - Senator Vance moved **HB 241** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 183 - Senator Tutvedt moved **HB 183** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: D. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 246 - Senator Thomas moved **HB 246** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 197 - Senator Driscoll moved **HB 197** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour,

Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 43

Nays: Caferro, Kaufmann, Keane, Malek, Pomnichowski, Wolken.
Total 6

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 232 - Senator Larsen moved **HB 232** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 203 - Senator Fielder moved **HB 203** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Paired: Vance, Aye; Sands, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 298 - Senator Vincent moved **HB 298** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Paired: Vincent, Aye; Sands, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 466 - Senator Kary moved **HB 466** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Caferro, Kaufmann, Keane.
Total 3

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 193 - Senator Tutvedt moved **HB 193** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Kaufmann, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 100 - Senator Howard moved **HB 100** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Stewart-Peregoy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 38

Nays: Caferro, Cohenour, Facey, Howard, McNally, Moe, Phillips, Pomnichowski, Sesso, Whitford, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 3 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 34

Nays: Blasdel, Brenden, Hansen, Howard, Jones, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 80 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 95 concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 187 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 296 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

MOTIONS

Senator Stewart-Peregoy moved to change her second-reading vote on **HB 203** from Yes to No. Without objection so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, March 12, 2015, the fifty-first legislative day. Motion carried.

Senate adjourned at 2:45 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 12, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Girl Scouts from the Helena area presented the Colors and led the Senate in the Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Sands excused. Quorum present.

BILLS AND JOURNALS 3/12/2015
Correctly printed: **SB 380**, **SB 395**, **SR 26**, **HB 100**, **HB 132**, **HB 183**, **HB 193**, **HB 194**, **HB 203**, **HB 233**, **HB 241**, **HB 298**, **HB 354**, **HB 390**, **HB 393**, **HJ 15**.
Correctly engrossed: **SB 157**, **HB 85**, **HB 107**, **HB 145**, **HB 197**, **HB 222**, **HB 232**, **HB 246**, **HB 461**, **HB 466**, **HB 505**, **HJ 12**.
Transmitted to the House: **SJ 3**, **HB 80**, **HB 95**, **HB 187**, **HB 296**.
Signed by the President at 4:30 p.m., March 11, 2015: **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SR 15**, **SR 17**, **SR 22**.
Delivered to the Secretary of State at 9:18 a.m., March 12, 2015: **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SR 15**, **SR 17**, **SR 22**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 3/12/2015
SB 47, do pass. Report adopted.
HB 87, be concurred in. Report adopted.
HB 145, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "TRANSFERRING" on line 5 through "FUNDS;" on line 6

2. Title, page 1, line 6.
Following: "AUTHORITY;"
Insert: "PROVIDING AN APPROPRIATION;"

3. Title, page 1, line 7.
Strike: "17-7-502,"

4. Page 1, line 15.
Strike: "in 15-1-122(4)"

5. Page 1, line 24.
Strike: "(a)"

6. Page 1.
Strike: line 25 through line 27 in their entirety

7. Page 1, line 28 through page 2, line 1.
Strike: subsection (5) through subsection (6) in their entirety

8. Page 4, line 2 through line 4.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

9. Page 4, line 14 through page 5, line 22.
Strike: section 4 in its entirety
Renumber: subsequent sections

10. Page 6, line 23.
Strike: "revert to the general fund"
Insert: "be transferred to the livestock loss reduction restricted special revenue account established in [section 1]"

11. Page 6.
Following: line 23
Insert: "NEW SECTION. **Section 6. Transfer of funds.** The amount of $200,000 is transferred from the state general fund to the livestock loss reduction restricted state special revenue account provided for in [section 1] in each year of the biennium beginning July 1, 2015."
Insert: "NEW SECTION. **Section 7. Appropriation.** For each year of the biennium beginning July 1, 2015, there is appropriated $200,000 from the livestock loss reduction restricted state special revenue account provided for in [section 1] to the department for the purposes of [section 1]."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 588, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 3/11/2015
SR 25, be adopted. Report adopted.
SR 27, be adopted. Report adopted.
HB 397, be concurred in. Report adopted.
HB 410, be concurred in. Report adopted.
HB 412, be concurred in. Report adopted.
HB 436, be concurred in. Report adopted.
HB 505, be amended as follows:

1. Title, page 1, line 5.
Following: line 5

Insert: "IF THE EMPLOYER DOES NOT HAVE A POLICY PROHIBITING FIREARMS FROM BEING SECURED IN VEHICLES AT THE WORKPLACE"

2. Page 1, line 11.
Following: line 11
Insert: "that does not have or enforce a policy prohibiting employees from keeping a firearm out of sight and locked in an employee's vehicle at the employer's workplace"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 3/12/2015
SR 28, preliminary report.
HB 111, be concurred in. Report adopted.
HB 227, be concurred in. Report adopted.
HB 330, be amended as follows:

1. Title, page 1, line 5.
Following: "EQUIPMENT;"
Insert: "AND"

2. Page 3, line 27.
Following: line 27
Insert: "(2) If a law enforcement agency purchases property from a military equipment surplus program operated by the federal government, the law enforcement agency may only use state or local funds for the purchase. Funds obtained from the federal government may not be used to purchase property from a military equipment surplus program."
Renumber: subsequent subsections

3. Page 4, line 3.
Strike: "60"
Insert: "14"

And, as amended, be concurred in. Report adopted.

HB 518, be concurred in. Report adopted.

LOCAL GOVERNMENT (Taylor, Chair): 3/11/2015
HB 366, be concurred in. Report adopted.
HB 461, be amended as follows:

1. Page 2, line 27.
Strike: "be based on"
Insert: "not exceed the amount provided in"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 3/11/2015
HB 54, be concurred in. Report adopted.
HB 85, be amended as follows:

1. Page 3, line 11.
Strike: "(a)"

2. Page 3, line 12.
Strike: ", except as provided in subsection (2)(b)"

3. Page 3, line 13 through line 16.
Strike: subsection (b) in its entirety

And, as amended, be concurred in. Report adopted.

HB 107, be amended as follows:

1. Page 10, line 8.
Following: "~~19-3-316(4)(b),~~"
Insert: "and continuing until June 30, 2015, an amount equal to"

2. Page 10, line 9.
Following: "2015,"
Insert: "and"

3. Page 10, line 13.
Following: "MEMBER'S"
Insert: "retirement"

4. Page 11, line 2.
Strike: "subsection (3)"
Insert: "subsections (3) and (4)"
Following: "contribution"
Insert: "received under 19-3-316"

5. Page 11, line 13.
Following: "2015,"
Insert: "and"

6. Page 11, line 17.
Following: "MEMBER'S"
Insert: "retirement"

7. Page 11, line 26.
Following: "off,"
Insert: "amounts equal to"

8. Page 12, line 5.
Strike: "SECTIONS 4(2)(B), (2)(C),"
Insert: "Section 4(2)(c)"
Strike: "APPLY"
Insert: "applies"

9. Page 12, line 6.
Following: "CONTRIBUTIONS"
Insert: "under 19-21-214(2)(b)"

And, as amended, be concurred in. Report adopted.

HB 124, be concurred in. Report adopted.
HJ 8, be concurred in. Report adopted.
HJ 12, be amended as follows:

1. Page 2, following line 2.
Insert: "(1)"

2. Page 2, line 7.
Following: line 6
Insert: "(2) That the Montana Department of Transportation is urged to include the location of the Miracle of America Museum, Inc., when the department updates and publishes the state maps."

And, as amended, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 3/11/2015
SB 157, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "CREATING A CLASS" on line 5 through "IMPROVEMENTS;" on line 6

2. Title, page 1, line 7.
Following: "FOUR RESIDENTIAL"
Insert: "AND COMMERCIAL"
Following: "PROPERTY,"
Insert: "AND"

3. Title, page 1, line 8.
Strike: ", AND CLASS SEVENTEEN COMMERCIAL PROPERTY"

4. Title, page 1, line 11.
Strike: "15-6-156,"

5. Title, page 1, line 12.
Strike: "15-24-3001, 15-24-3201,"
Following: "15-24-3203,"
Insert: "15-44-103,"

6. Page 1, line 19.
Following: "class four,"
Insert: "and"
Strike: ", and class seventeen"

7. Page 1, line 20.
Strike: "17"
Insert: "15"

8. Page 1, lines 21 and 22.
Strike: "[section 10] and"
Following: "5"
Strike: ","
Insert: "and"
Following: "6"
Strike: ", and 8"
Following: "industrial,"
Insert: "and"
Strike: ", and timber"

9. Page 5, line 6.
Strike: "[section 10]"
Insert: "subsection (1)(j)"

10. Page 6, line 2.
Following: line 1
Insert: "(j) "Industrial property" for purposes of this section includes all land used for industrial purposes, improvements, and buildings used to house the industrial process and all storage facilities. Under this section, industrial property does not include personal property classified and taxed under 15-6-135 or 15-6-138."
Renumber: subsequent subsections

11. Page 6, line 11.
Strike: "(1)(m)"
Insert: "(1)(o)"

12. Page 7, line 17.

Following: "15-6-134,"
Insert: "or"
Strike: ", or [section 10]"

13. Page 8, line 23.
Following: "~~section,~~"
Insert: "subject to subsection (1)(d),"

14. Page 8, line 25.
Following: "~~section,~~"
Insert: "subject to subsection (1)(d):"

15. Page 8, line 29.
Strike: "and"

16. Page 8, line 30.
Following: "lots"
Insert: "; and
(iv) rental multifamily dwelling units"

17. Page 9, line 14.
Following: line 13
Insert: "(d) all commercial and industrial property, as defined in 15-1-101, and including:
(i) all commercial and industrial property that is used or owned by an individual, a business, a trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of income;
(ii) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;
(iii) commercial buildings and parcels of land upon which the buildings are situated; and
(iv) vacant commercial lots.
(2) If a property includes both residential and commercial uses, the property is classified and appraised as follows:
(a) the land use with the highest percentage of total value is the use that is assigned to the property; and
(b) the improvements are apportioned according to the use of the improvements."

18. Page 9, line 21 through line 22.
Strike: "(2) Class four property is taxed as follows:"
Following: line 21
Insert: "(3)"

19. Page 9, line 22.
Strike: "(2)(b),"
Insert: "(3)(b), class four residential"

20. Page 10, line 2.
Strike: "2.17%"
Insert: "the residential property tax rate in subsection (3)(a) multiplied by 1.44"

21. Page 10, line 3.
Following: line 2
Insert: "(c) The tax rate for commercial property is the residential property tax rate in subsection (3)(a) multiplied by 1.44.

(4) Property described in subsection (1)(d)(iii) is taxed at one-half the tax rate established in subsection (3)(c)."

22. Page 13, line 21.
Strike: "0.59%"
Insert: "0.37%"

23. Page 13, line 23 through page 15, line 24.
Strike: sections 9 and 10 in their entirety
Renumber: subsequent sections

24. Page 16, line 5.
Strike: "12(2)"
Insert: "10(2)"

25. Page 16, line 21.
Strike: "13"
Insert: "11"
Strike: "14"
Insert: "12"

26. Page 16, line 22.
Strike: "13"
Insert: "11"
Strike: "14"
Insert: "12"

27. Page 16, line 24.
Strike: "11"
Insert: "9"

28. Page 16, line 26.
Strike: "11"
Insert: "9"

29. Page 16, line 27.

Strike: "13"
Insert: "11"
Strike: "14"
Insert: "12"

30. Page 17, line 2.
Strike: "11"
Insert: "9"

31. Page 17, line 7.
Strike: "11"
Insert: "9"

32. Page 17, line 16.
Strike: "13"
Insert: "11"
Strike: "14"
Insert: "12"

33. Page 17, line 22.
Strike: "13"
Insert: "11"
Strike: "14"
Insert: "12"

34. Page 17, line 24.
Strike: "13"
Insert: "11"
Strike: "14"
Insert: "12"

35. Page 17, line 26.
Strike: "13"
Insert: "11"
Strike: "14"
Insert: "12"

36. Page 18, line 3.
Strike: "12"
Insert: "10"

37. Page 18, line 15.
Strike: "12"
Insert: "10"

38. Page 19, line 27.
Strike: "11"
Insert: "9"
Strike: "14"
Insert: "12"

39. Page 20, line 25.
Following: "~~and~~"
Insert: "and"
Strike: "and class seventeen property described in [section 10],"

40. Page 20, line 28.
Following: "~~and~~"
Insert: "and"

41. Page 20, line 29.
Strike: "and class seventeen property described in [section 10],"

42. Page 23, line 17.
Strike: "and [section 10]"

43. Page 23, line 28.
Following: "~~and~~"
Insert: "and"
Strike: ", and class seventeen under [section 10]"

44. Page 23, line 30.
Following: "four,"
Insert: "and"
Strike: ", and class seventeen"

45. Page 24, line 5.
Following: "~~and~~"
Insert: "and"
Strike: ", and class seventeen"

46. Page 24, line 14.
Following: "~~and~~"
Insert: "and"
Strike: ", and seventeen"

47. Page 24, line 16.
Following: "~~and~~"
Insert: "and"
Strike: ", and seventeen"

48. Page 28, line 13.
Strike: "7"
Insert: "10"

49. Page 29, line 24 through line 25.
Following: "~~and commercial~~"
Insert: "and commercial"
Strike: "and class seventeen property described in [section 10]"

50. Page 31, line 4 through line 5.
Following: "~~and~~"
Insert: "and"
Strike: ", and [section 10]"

51. Page 31, line 13.
Strike: "and [section 10], under class seventeen,"

52. Page 33, line 5 through line 6.
Strike: ", as class seventeen property under [section 10],"

53. Page 35, line 23.
Strike: "11"
Insert: "9"
Strike: "14"
Insert: "12"

54. Page 36, line 26.
Strike: "13"
Insert: "11"

55. Page 37, line 13 through page 39, line 19.
Strike: section 27 through section 28 in their entirety
Renumber: subsequent sections

56. Page 40, line 25.
Insert: "Section 27. Section 15-44-103, MCA, is amended to read:

"15-44-103. Legislative intent -- value of forest lands -- valuation zones. (1) In order to encourage landowners of private forest lands to retain and improve their holdings of forest lands, to promote better forest practices, and to encourage the investment of capital in reforestation, forest lands must be classified and assessed under the provisions of this section.

(2) The forest productivity value of forest land must be determined by:

(a) capitalizing the value of the mean annual net wood production at the culmination of mean annual increment plus other agriculture-related income, if any; less

(b) annualized expenses, including but not limited to the establishment, protection, maintenance, improvement, and management of the crop over the rotation period.

(3) To determine the forest productivity value of forest lands, the department shall:

(a) divide the state into appropriate forest valuation zones, with each zone designated so as to recognize the uniqueness of marketing areas, timber types, growth rates, access, operability, and other pertinent factors of that zone; and

(b) establish a uniform system of forest land classification that takes into consideration the productive capacity of the site to grow forest products and furnish other associated agricultural uses.

(4) In computing the forest land productivity valuation for each forest valuation zone, the department shall determine the productive capacity value of all forest lands in each forest valuation zone using the formula V = I/R, where:

(a) V is the per-acre forest productivity value of the forest land;

(b) I is the per-acre net income of forest lands in each valuation zone and is determined by the department using the formula I = (M x SV) + AI - C, where:

(i) I is the per-acre net income;

(ii) M is the mean annual net wood production;

(iii) SV is the stumpage value;

(iv) AI is the per-acre agriculture-related income; and

(v) C is the per-unit cost of the forest product and agricultural product produced, if any; and

(c) R is the capitalization rate determined by the department as provided in subsection (6).

(5) Net income must:

(a) be calculated for each year of a base period, which is the most recent ~~5-year~~ 10-year period for which data is available~~;~~ prior to the date the revaluation cycle ends. Data referred to in subsection (4)(b) must be averaged.

(b) be based on a rolling average of stumpage value of timber harvested within the forest valuation zone and on the associated production cost data for the base period from sources considered appropriate by the department; and

(c) include agriculture-related net income for the same time period as the period used to determine average stumpage values.

(6) The capitalization rate must be calculated for each year of the base period, and for the reappraisal cycle beginning January 1, 2015, it is 6.4%. For subsequent tax years the base period is the average capitalization rate determined by the department after consultation with the forest lands taxation advisory committee, plus the effective tax rate. The capitalization rate must be adopted by rule. ~~However, the capitalization rate for each year of the base period for tax years 2009 through 2014 may not be less than 8%.~~

(7) The effective tax rate must be calculated for each year of the base period by dividing the total estimated tax due on forest lands subject to the provisions of this section by the total forest value of those lands.

(8) For the purposes of this section, if forest service sales are used in the determination of stumpage values, the department shall take into account purchaser road credits.

(9) In determining the forest productivity value of forest lands and in computing the forest land valuation, the department shall use information and data provided by the university of Montana-Missoula.

(10) (a) There is a forest lands taxation advisory committee consisting of:

(i) four members with expertise in forest matters, one appointed by the majority leader of the senate, one by the minority leader of the senate, one by the majority leader of the house of representatives, and one by the minority leader of the house of representatives; and

(ii) three members appointed by the governor, one who is an industrial forest landowner, one who is a nonindustrial forest landowner, and one who is a county commissioner.

(b) The terms of the members expire on June 30 of the first year of each reappraisal cycle.

(c) The advisory committee shall:

(i) review data required by subsections (2) through (6), (8), and (9), including data on productivity value, stumpage value, wood production, capitalization rate, net income, and agriculture-related income;

(ii) recommend to the department any adjustments to data if required by changes in government forest land programs, market conditions, or prevailing forest lands practices;

(iii) recommend appropriate base periods and averaging methods to the department;

(iv) verify for each forest valuation zone and forest land classification and subclassification under subsection (3) that the income determined in subsection (5) reasonably approximates that which the average Montana forest landowner could have attained; and

(v) recommend forest land valuation techniques to the department.""

Renumber: subsequent sections

57. Page 42, line 15 through line 16.
Strike: line 15 through line 16
Renumber: subsequent subsections

58. Page 42, line 17.
Strike: "11"
Insert: "9"
Strike: "14"
Insert: "12"

59. Page 42, line 18.
Strike: "11"
Insert: "9"
Strike: "14"
Insert: "12"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/11/2015

SB 53, introduced by Dick Barrett
SB 114, introduced by Debby Barrett

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/11/2015

SB 142, introduced by C. Smith

House bills passed and transmitted to the Senate for concurrence: 3/11/2015

HB 344, introduced by D. Zolnikov
HB 536, introduced by T. Berry
HB 577, introduced by K. Holmlund

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hinkle in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 378 - Senator Rosendale moved consideration of **SB 378** be passed for the day. Without objection, so ordered.

HB 102 - Senator Facey moved **HB 102** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 225 - Senator Connell moved **HB 225** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt,

Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 285 - Senator Malek moved **HB 285** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 319 - Senator Swandal moved **HB 319** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Hinkle moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 396, introduced by E. Buttrey, A. Knudsen, S. Lavin, N. Schwaderer, F. Thomas, A. Wittich, referred to Business, Labor, and Economic Affairs.
SB 397, introduced by C. Kaufmann, referred to Highways and Transportation.
SB 398, introduced by J. Keane, referred to Business, Labor, and Economic Affairs.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 30, introduced by J. Brenden, referred to Fish and Game.
SR 31, introduced by J. Brenden, referred to Fish and Game.
SR 32, introduced by T. Brown, referred to Agriculture, Livestock and Irrigation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 19, introduced by M. Phillips, referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

HB 344, introduced by D. Zolnikov, referred to Judiciary.

HB 536, introduced by T. Berry, referred to Business, Labor, and Economic Affairs.
HB 577, introduced by K. Holmlund, C. Larsen, D. Mortensen, M. Noland, K. White, referred to Business, Labor, and Economic Affairs.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 380 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 100 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 132 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Wolken.
Total 36

Nays: Hansen, Hinkle, Hoven, Howard, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Vincent, Windy Boy, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 183 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 32

Nays: Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 193 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Hansen, Kaufmann, Keenan, Pomnichowski, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 197 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 41

Nays: Caferro, Kaufmann, Keane, Malek, Pomnichowski, Sesso, Whitford, Wolken.
Total 8

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 203 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 222 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 232 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 233 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 241 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 246 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 298 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 354 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

HB 466 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Caferro, Kaufmann, Stewart-Peregoy, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

SPECIAL ORDERS OF THE DAY

SR 16 - Senator Thomas moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 16**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

SR 23 - Senator Thomas moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 23**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sands.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Friday, March 13, 2015, the fifty-second legislative day. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 13, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator D. Brown excused. Quorum present.

BILLS AND JOURNALS: 3/16/2015
Correctly printed: **SB 47**, **SB 396**, **SB 397**, **SB 398**, **SR 25**, **SR 27**, **SR 30**, **SR 31**, **SR 32**, **SJ 19**, **HB 54**, **HB 87**, **HB 102**, **HB 111**, **HB 124**, **HB 227**, **HB 285**, **HB 319**, **HB 366**, **HB 397**, **HB 410**, **HB 412**, **HB 436**, **HB 518**, **HB 588**, **HJ 8**.
Correctly engrossed: **SB 259**, **SB 290**, **HB 208**, **HB 225**, **HB 330**, **HB 358**, **HB 375**.
Correctly enrolled: **SB 49**, **SB 53**, **SB 82**, **SB 114**, **SR 16**, **SR 23**.
Examined by the sponsor and found to be correct: **SB 53**, **SB 114**.
Transmitted to the House: **SB 380**, **HB 100**, **HB 132**, **HB 183**, **HB 193**, **HB 197**, **HB 203**, **HB 222**, **HB 232**, **HB 233**, **HB 241**, **HB 246**, **HB 298**, **HB 354**, **HB 466**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/12/2015
HB 208, be amended as follows:

1. Page 1, line 25.
Strike: "always be open to"
Insert: "be made available for"

And, as amended, be concurred in. Report adopted.

HB 358, be amended as follows:

1. Title, page 1, line 10.
Following: "CHECKS;"
Insert: "REVISING REGISTRATION AND REGULATION OF PERSONS SEEKING LICENSURE AS ADDICTION COUNSELORS; PROVIDING A DEFINITION OF "ADDICTION COUNSELOR LICENSURE CANDIDATE";"

2. Page 1, line 20.
Strike: "Two"
Insert: "Three"
Following: "and ~~three~~"
Strike: "two"

Insert: "three"

3. Page 1, line 21.
Following: "counselors."
Insert: "At least one of these members who is licensed as a social worker or professional counselor must also be licensed as a marriage and family therapist."

4. Page 1, line 22.
Strike: "Two members"
Insert: "One member"

5. Page 1, line 23.
Following: "social work"
Strike: ", but one may be engaged in marriage and family therapy"

6. Page 1, line 24.
Strike: subsection (d) in its entirety
Renumber: subsequent subsections

7. Page 5, line 12.
Following: line 11
Insert: "(3) "Addiction counselor licensure candidate" means a person who is registered pursuant to 37-35-202(5) to engage in addiction counseling and earn supervised work experience necessary for licensure."
Renumber: subsequent subsections

8. Page 6, line 21.
Strike: "or"

9. Page 6.
Following: line 21
Insert: "(e) of a person who is registered as an addiction counselor licensure candidate; or"
Renumber: subsequent subsections

10. Page 6, line 30.
Following: "Licensure"
Insert: "and registration"
Strike: "**-- temporary practice permit**"

11. Page 7, lines 15 through 16.
Strike: "all licensure" on line 15 through "except" on line 16
Insert: "the requirements of subsection (2) but has not completed"

12. Page 7, line 16 through line 17.
Strike: "a temporary practice" on line 16 through "experience" on line 17

Insert: "registration as an addiction counselor licensure candidate"

13. Page 7, line 18.
Strike: line 18
Insert: "(b) An application for registration as an addiction counselor licensure candidate must be approved if it is determined that:"

14. Page 7, line 20.
Following: "(ii)"
Strike: "initial screening by program staff shows no current"
Insert: "there is no legal or"

15. Page 7, line 22.
Strike: "a temporary practice permit"
Insert: "registration as an addiction counselor licensure candidate"

16. Page 7, line 26 through line 28.
Strike: "may practice" on line 26 through "a license" on line 28
Insert: "registered as an addiction counselor licensure candidate shall register annually until the person becomes a licensed addiction counselor. The board may limit the number of years that a person may act as an addiction counselor licensure candidate"

17. Page 7, line 29.
Strike: "obtain a temporary practice permit"
Insert: "register as an addiction counselor licensure candidate"

18. Page 8, line 3.
Following: "license"
Insert: "and registration as an addiction counselor licensure candidate"

And, as amended, be concurred in. Report adopted.

HB 396, be concurred in. Report adopted.
HB 449, be concurred in. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 3/12/2015
SB 259, introduced bill, be amended as follows:

1. Page 2, line 14.
Following: "pay"
Insert: "out of its surplus"

2. Page 2, line 22.
Strike: "5%"
Insert: "4%"

3. Page 3, line 5.
Following: "pay"
Insert: "out of its surplus"

4. Page 3, line 6.
Strike: "5%"
Insert: "4%"

5. Page 3, line 9.
Following: "1990"
Insert: ", except that money from interest earned on investments and money other than premiums may be used to pay the assessment out of its surplus before any dividends are paid"

6. Page 3, line 27.
Strike: "5%"
Insert: "4%"

7. Page 3, line 28.
Strike: "5%"
Insert: "4%"

8. Page 4, line 24.
Strike: "5%"
Insert: "4%"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/12/2015
SB 290, introduced bill, be amended as follows:

1. Title, line 7.
Following: "STANDARDS;"
Insert: "PROVIDING EXCEPTIONS;"

2. Page 1, line 19.
Following: "state or"
Insert: ", except as provided in subsection (4),"

3. Page 1.
Following: line 25
Insert: "(4) The provisions of this section do not apply to authorized emergency vehicles, as defined in 61-8-102, that are owned, leased, or rented by a political subdivision of the state."

4. Page 3, line 18.

Following: "(7)"
Strike: "The"
Insert: "(a) Except as provided in subsection (7)(b), the "

5. Page 3.
Following: line 20
Insert: "(b) The provisions of this section and rules adopted pursuant to this section do not apply to authorized emergency vehicles, as defined in 61-8-102, that are owned, leased, or rented by a political subdivision of the state."

And, as amended, do pass. Report adopted.

HB 97, be concurred in. Report adopted.
HB 375, be amended as follows:

1. Page 3, line 15.
Strike: "October 1, 2015"
Insert: "January 1, 2016"

And, as amended, be concurred in. Report adopted.

HB 387, be concurred in. Report adopted.
HB 414, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 3/13/2015
HB 482, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 3/9/2015
SR 14, be adopted. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/12/2015

SB 49, introduced by J. Keane
SB 82, introduced by B. Hamlett

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/12/2015

SB 60, introduced by R. Driscoll

House bills passed and transmitted to the Senate for concurrence: 3/12/2015

HB 297, introduced by V. Court
HB 411, introduced by T. Richmond

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 399, introduced by F. Thomas, M. Caferro, C. Wolken, referred to Taxation.
SB 400, introduced by R. Webb, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 20, introduced by B. Tutvedt, referred to Local Government.

The following House bills were introduced, read first time, and referred to committees:

HB 297, introduced by V. Court, referred to Judiciary.
HB 411, introduced by T. Richmond, M. Noland, R. Ripley, S. Staffanson, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Malek in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 378 - Senator Arntzen moved **SB 378** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

HB 194 - Senator F. Moore moved **HB 194** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

HB 355 - Senator Howard moved **HB 355** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

HB 390 - Senator Hoven moved **HB 390** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

HB 353 - Senator Connell moved **HB 353** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

HB 393 - Senator Larsen moved **HB 393** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Barrett Dick, Kaufmann, Phillips, Stewart-Peregoy, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: D. Brown.

Total 1

HJ 15 - Senator Windy Boy moved **HJ 15** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Rosendale, Sales, Vance.
Total 9

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

HB 279 - Senator C. Smith moved **HB 279** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

SB 91 - Senator Thomas moved **SB 91** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.

Total 44

Nays: Barrett Dick, Caferro, Kaufmann, Pomnichowski, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

SB 308 - Senator Fielder moved **SB 308** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 37

Nays: Caferro, Facey, Hamlett, Kaufmann, Keane, Malek, McNally, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

SB 142 - **House Amendments** - Senator C. Smith moved House amendments to **SB 142** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Malek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 102 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

HB 225 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

HB 285 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

HB 319 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

SPECIAL ORDERS OF THE DAY

SR 26 - Senator Taylor Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 26**.

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown.
Total 1

Senator Smith thanked the Pages for their service this week.

MOTIONS

Senator Rosendale moved **HB 111** and **HB 330** be re-referred from the second reading board to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Monday, March 16, 2015,

the fifty-fourth legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 14, 2015

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
64TH LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 16, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Kaufmann excused. Quorum present.

BILLS AND JOURNALS: 3/16/2015
Correctly printed: **SB 91**, **SB 308**, **SB 378**, **SB 399**, **SB 400**, **SR 14**, **SJ 20**, **HB 97**, **HB 194**, **HB 279**, **HB 353**, **HB 387**, **HB 390**, **HB 393**, **HB 396**, **HB 414**, **HB 449**, **HB 482**, **HJ 15**.
Correctly engrossed: **HB 355**.
Correctly enrolled: **SR 26**.
Examined by the sponsor and found to be correct: **SB 49**, **SB 82**, **SR 16**, **SR 23**, **SR 26**.
Transmitted to the House: **HB 102**, **HB 225**, **HB 285**, **HB 319**.
Signed by the Secretary of the Senate at 4:30 p.m., March 13, 2015: **SB 53**, **SB 114**, **SR 16**, **SR 23**.
Signed by the Secretary of the Senate at 3:20 p.m., March 16, 2015: **SR 26**.
Signed by the President at 7:30 a.m., March 16, 2015: **SB 53**, **SB 114**, **SR 16**, **SR 23**.
Signed by the President at 3:40 p.m., March 16, 2015: **SR 26**.
Signed by the Speaker at 2:25 p.m., March 16, 2015: **SB 53**, **SB 114**.
Signed by the Speaker at 2:30 a.m., March 16, 2015: **SB 49**, **SB 82**.

Senator Kaufmann present at this time.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 3/6/2015
SR 19, preliminary report.
SR 20, be adopted. Report adopted.
SR 21, preliminary report.
SR 24, be adopted. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 3/12/2015
SB 312, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 3/13/2015
HB 348, be concurred in. Report adopted.
HB 382, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/13/2015

SB 77, introduced by Debby Barrett
SB 88, introduced by J. Brenden
SB 105, introduced by E. Arntzen
SB 110, introduced by E. Buttrey

Senate bills concurred in and returned to the Senate: 3/14/2015

SB 96, introduced by J. Keane
SB 111, introduced by D. Ankney
SB 119, introduced by D. Kary

House bills passed and transmitted to the Senate for concurrence: 3/13/2015

HB 140, introduced by J. Welborn
HB 378, introduced by T. Richmond

House joint resolution passed and transmitted to the Senate for concurrence: 3/13/2015

HJ 14, introduced by F. Garner

House bill passed and transmitted to the Senate for concurrence: 3/14/2015

HB 300, introduced by K. White

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 401, introduced by M. Caferro, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 21, introduced by T. Facey, K. Hansen, referred to Local Government.

The following House bill was introduced, read first time, and referred to committee:

HB 300, introduced by K. White, B. Brown, E. Greef, T. Manzella, M. Noland, R. Shaw, J. Hinkle, D. Kary, J. Keane, R. Ripley, G. Vance, C. Vincent, R. Webb, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Taylor in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 47 - Senator Pomnichowski moved **SB 47** do pass. Motion carried as follows:

Yeas: Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 27

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 87 - Senator L. Jones moved **HB 87** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 42

Nays: Blasdel, Fielder, Hinkle, Sales, Taylor, Vance, Vincent, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 145 - Senator Hamlett moved **HB 145** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 34

Nays: Arntzen, Blasdel, D. Brown, Hinkle, Howard, Kary, Keenan, Pomnichowski, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 588 - Senator L. Jones moved **HB 588** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Caferro, Kaufmann, Stewart-Peregoy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 227 - Senator Sands moved **HB 227** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 34

Nays: Brenden, D. Brown, Fielder, Hansen, Hinkle, Jones, Keenan, Moore, Ripley, Rosendale,

Sales, Smith, Thomas, Vance, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 397 - Senator McNally moved **HB 397** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Rosendale, Smith.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 410 - Senator Moe moved **HB 410** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Hinkle, Ripley, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 436 - Senator Larsen moved **HB 436** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 518 - Senator Swandal moved **HB 518** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 366 - Senator Tutvedt moved **HB 366** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Brenden, D. Brown, Fielder, Hinkle, Kary, Moore, Ripley, Rosendale, Sales, Smith, Vincent.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 54 - Senator Malek moved **HB 54** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 85 - Senator Facey moved **HB 85** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Fielder, Hansen, Hoven, Moore, Rosendale, Sales, Smith, Thomas, Vance, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 124 - Senator Kary moved **HB 124** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Blasdel, Hansen, Rosendale, Sales, Smith, Vance, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Taylor moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 91 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 142, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 308 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 36

Nays: Caferro, Cohenour, Driscoll, Hamlett, Kaufmann, Keane, Larsen, Malek, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 378 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 194 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 279 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 353 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 355 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 390 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 47

Nays: D. Brown, Ripley, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 393 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 40

Nays: Barrett Dick, Cohenour, Facey, Kaufmann, Malek, Phillips, Pomnichowski, Stewart-Peregoy, Whitford, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 15 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell,

Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 37

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Keenan, Moore, Rosendale, Sales, Vance, Webb, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the week:

Logan Ankney from Laurel, sponsored by Senator Ankney
Hugh Cole from Scobey, sponsored by Senator Brenden
John Diepstraten from Stevensville, sponsored by Senator Thomas
Ethan Tribble from Alvin, Texas, sponsored by Senator Hoven
Ben Sheldahl from Helena, sponsored by Senator Driscoll

MOTIONS

Senator T. Brown moved to change his third-reading vote on **HB 390** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, March 17, 2015, the fifty-fifth legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
Pre1sident of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 17, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 3/17/2015
Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-first through forty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 47**, **SB 312**, **SB 401**, **SR 20**, **SR 24**, **SJ 21**, **HB 54**, **HB 85**, **HB 87**, **HB 124**, **HB 145**, **HB 348**, **HB 382**, **HB 397**, **HB 410**, **HB 436**.
Correctly engrossed: **SB 387**, **HB 36**, **HB 226**, **HB 227**, **HB 237**, **HB 334**, **HB 366**, **HB 504**, **HB 513**, **HB 518**, **HB 523**, **HB 588**.
Correctly enrolled: **SB 77**, **SB 88**, **SB 96**, **SB 105**, **SB 110**, **SB 111**, **SB 119**, **SB 142**.
Examined by the sponsor and found to be correct: **SB 77**, **SB 88**, **SB 96**, **SB 105**, **SB 110**, **SB 111**, **SB 119**, **SB 142**.
Transmitted to the House: **SB 91**, **SB 308**, **SB 378**, **HB 194**, **HB 279**, **HB 353**, **HB 355**, **HB 390**, **HB 393**, **HJ 15**.
Signed by the Secretary of the Senate at 3:25 p.m., March 17, 2015: **SB 77**, **SB 88**, **SB 96**, **SB 105**, **SB 110**, **SB 111**, **SB 119**, **SB 142**.
Signed by the President at 3:50 p.m., March 17, 2015: **SB 77**, **SB 88**, **SB 96**, **SB 105**, **SB 110**, **SB 111**, **SB 119**, **SB 142**.
Delivered to the Governor at 11:15 a.m., March 17, 2015: **SB 49**, **SB 53**, **SB 82**, **SB 114**.
Delivered to the Secretary of State at 11:14 a.m., March 17, 2015: **SR 16**, **SR 23**, **SR 26**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Sales, Chair): 3/12/2015
SR 28, be adopted. Report adopted.

LOCAL GOVERNMENT (Taylor, Chair): 3/16/2015
HB 164, be concurred in. Report adopted.
HB 289, be concurred in. Report adopted.
HB 334, be amended as follows:

1. Page 8, line 4.
Following: "[section 13],"

Strike: "or"
Following: "[section 20],"
Insert: "or [section 22],"

2. Page 15, line 30.
Following: line 30
Insert: "NEW SECTION. **Section 22. Minutes.** The board of supervisors shall submit the minutes of its proceedings for electronic storage within 30 days after the minutes have been approved by that body for electronic storage and retention in accordance with the provisions of Title 2, chapter 6, part 4. The board of supervisors shall submit the minutes for electronic storage to the county clerk and recorder of each county within the jurisdiction of the district."
Renumber: subsequent sections

3. Page 16, line 19.
Following: line 18
Insert: "(7) [Section 22] is intended to be codified as an integral part of Title 76, chapter 15, part 3, and the provisions of Title 76, chapter 15, part 3, apply to [section 22]."

And, as amended, be concurred in. Report adopted.

HB 367, be concurred in. Report adopted.
HB 504, be amended as follows:

1. Page 1, line 30.
Following: "(3)"
Insert: "(a)"

2. Page 2, line 1.
Following: "must be"
Insert: ": (i)"

3. Page 2, line 3.
Following: "located"
Strike: "."
Insert: "; and (ii) mailed as provided in 7-1-2122 or as provided in 7-1-4129 if the proposed district or part of the district is in an incorporated third-class city or town to each registered voter and real property owner residing in the proposed new district."
Insert: "(b)"
Following: "publication"
Insert: "and mailing"

4. Page 2, line 5.
Strike: "publication of"

5. Page 2, line 7.

Strike: "21"
Insert: "30"

And, as amended, be concurred in. Report adopted.

HB 523, be amended as follows:

1. Page 1, line 17.
Strike: "60%"
Insert: "66%"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 3/13/2015
SB 387, introduced bill, be amended as follows:

1. Page 3, line 7.
Strike: "$1,000"
Insert: "$5,000"

And, as amended, do pass. Report adopted.

HB 36, be amended as follows:

1. Page 2, line 27.
Following: "REINSTATED"
Insert: "no more than"

And, as amended, be concurred in. Report adopted.

HB 226, be amended as follows:

1. Page 2, line 25.
Strike: "$2 million"
Insert: "$650,000"

2. Page 2, line 26.
Strike: "$2 million"
Insert: "$650,000"

3. Page 2, line 27.
Strike: "$2 million"
Insert: "$650,000"

4. Page 3, line 25.

Strike: "$2 million"
Insert: "$650,000"

5. Page 3, line 26.
Strike: "$2 million"
Insert: "$650,000"

6. Page 3, line 27.
Strike: "$2 million"
Insert: "$650,000"

And, as amended, be concurred in. Report adopted.

HB 270, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 3/16/2015
HB 237, be amended as follows:

1. Page 13, line 4.
Following: line 4
Insert: "NEW SECTION. **Section 11. Absorption of costs.** Any cost incurred by the department of public health and human services in implementing [this act] must be absorbed into the department's existing budget."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 318, be concurred in. Report adopted.
HB 337, be concurred in. Report adopted.
HB 422, be concurred in. Report adopted.
HB 429, be concurred in. Report adopted.
HB 507, be concurred in. Report adopted.
HB 513, be amended as follows:

1. Page 1, line 12.
Following: "psychiatrist,"
Insert: "licensed professional counselor,"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 16, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Monday, March 16, 2015, I signed the following bill:

Senate Bill 139 - D. Sands

This bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/16/2015

SB 39, introduced by C. Smith
SB 41, introduced by T. Facey
SB 241, introduced by R. Webb

House joint resolution passed and transmitted to the Senate for concurrence: 3/16/2015

HJ 13, introduced by K. White

MOTIONS

Majority Leader Rosendale moved **HB 237** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Rosendale moved **SB 290** be taken from today's second reading agenda and re-referred to the Finance and Claims Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 402, introduced by D. Ankney, J. Keane, referred to Energy and Telecommunications.
SB 403, introduced by R. Webb, referred to Public Health, Welfare and Safety.
SB 404, introduced by E. Arntzen, referred to Taxation.
SB 405, introduced by E. Buttrey, D. Ankney, T. Berry, T. Brown, M. Caferro, C. Clark, P. Connell, R. Cook, G. Custer, S. Fitzpatrick, F. Garner, R. Hollandsworth, B. Hoven, C. Hunter, L. Jones, W. McKamey, G. Meyers, P. Noonan, R. Ripley, D. Salomon, J. Sesso, R. Shaw, N. Swandal, B. Tutvedt, J. Welborn, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 140, introduced by J. Welborn (by request of the Environmental Quality Council), referred to Fish and Game.
HB 378, introduced by T. Richmond, D. Kary, J. Windy Boy, referred to Judiciary.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 13, introduced by K. White, G. Bennett, R. Brodehl, B. Brown, J. Essmann, F. Garner, B. Harris, S. Hess, T. Jacobson, D. Jones, D. Lamm, F. Mandeville, T. Manzella, D. Mortensen, M. Noland, G. Pierson, A. Redfield, B. Smith, J. Welborn, D. Zolnikov, referred to Natural Resources.
HJ 14, introduced by F. Garner, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Dick Barrett in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 208 - Senator Facey moved **HB 208** be concurred in.

HB 208 - Senator Facey moved **HB 208**, second reading copy, be amended as follows:

1. Page 1, line 26.
Strike: "MONTANA"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 44

Nays: Fielder, Howard, Kary, Ripley, Taylor, Ms. President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 208 - As amended, was concurred in as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Ankney, Tutvedt.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 396 - Senator Buttrey moved **HB 396** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Facey, Malek, Pomnichowski.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 449 - Senator Vance moved **HB 449** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Cohenour, Driscoll, Hamlett, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 387 - Senator Sands moved **HB 387** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Blasdel, Brenden, Hinkle, Kary, Rosendale, Sales, Smith, Vance, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 414 - Senator Sales moved **HB 414** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 412 - Senator Sands moved **HB 412** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Wolken, Ms. President.
Total 38

Nays: Arntzen, Brenden, D. Brown, Buttrey, Fielder, Kary, Ripley, Sales, Smith, Vance, Webb, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 482 - Senator Larsen moved **HB 482** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 505 - Senator Hinkle moved **HB 505** be concurred in.

HB 505 - Senator Rosendale made a **substitute motion** that consideration of **HB 505** be passed for the day. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Facey assumed the chair.

HB 461 - Senator Dick Barrett moved **HB 461** be concurred in. Motion carried as follows:

Yeas: Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Ankney, Arntzen, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Webb, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.

Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Dick Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Keane.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Sands moved to take **HB 505** from the second reading board and re-refer it to the Judiciary Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 47 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Nays: Blasdel, Brenden, D. Brown, Buttrey, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 54 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 85 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 33

Nays: Brenden, Fielder, Hansen, Hoven, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Thomas, Vance, Vincent, Webb, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 87 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Blasdel, Hinkle, Keenan, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 124 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Blasdel, Rosendale, Sales, Smith, Thomas, Vance, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 145 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sands, Sesso, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 34

Nays: Blasdel, Hinkle, Howard, Kary, Kaufmann, Keenan, Pomnichowski, Rosendale, Sales, Smith, Stewart-Peregoy, Taylor, Thomas, Vance, Vincent, Webb.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 227 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 34

Nays: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Vance, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 366 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Brenden, D. Brown, Fielder, Hinkle, Kary, Keenan, Rosendale, Sales, Smith, Vance, Vincent, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 397 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour,

Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: D. Brown, Rosendale, Smith.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 410 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Hinkle, Ripley, Rosendale, Sales, Smith, Vance, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 436 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 518 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 588 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Caferro, Stewart-Peregoy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Windy Boy moved to change his third-reading vote on **SB 47** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Wednesday, March 18, 2015, the fifty-sixth legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 18, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 3/18/2015
Correctly printed: **SB 402**, **SB 403**, **SB 404**, **SB 405**, **SR 28**, **HB 164**, **HB 270**, **HB 289**, **HB 318**, **HB 337**, **HB 367**, **HB 396**, **HB 422**, **HB 429**, **HB 461**, **HB 507**.
Correctly engrossed: **SB 309**, **HB 28**, **HB 60**, **HB 180**, **HB 204**, **HB 208**, **HB 244**, **HB 343**, **HB 387**, **HB 412**, **HB 414**, **HB 447**, **HB 448**, **HB 449**, **HB 450**, **HB 482**.
Correctly enrolled: **SB 56**, **SB 80**, **SB 89**.
Examined by the sponsor and found to be correct: **SB 56**, **SB 80**, **SB 89**.
Transmitted to the House: **SB 47**, **HB 54**, **HB 85**, **HB 87**, **HB 124**, **HB 145**, **HB 227**, **HB 366**, **HB 397**, **HB 410**, **HB 436**, **HB 518**, **HB 588**.
Signed by the Secretary of the Senate at 3:20 p.m., March 18, 2015: **SB 56**, **SB 80**, **SB 89**.
Signed by the President at 4:00 p.m., March 18, 2015: **SB 56**, **SB 80**, **SB 89**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/17/2015
SR 3, preliminary report.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/17/2015
HB 44, be concurred in. Report adopted.
HB 117, be concurred in. Report adopted.
HB 240, be concurred in. Report adopted.
HB 343, be amended as follows:

1. Page 1, line 24.
Strike: ", easily produced"

2. Page 2, line 19.
Following: "that is"
Insert: ": (i)"

3. Page 2, line 20.
Following: "purposes"
Insert: "; or

(ii) opened for or provided by an employer and intended solely for business-related purposes"

And, as amended, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/18/2015
HB 118, be amended as follows:

1. Page 1, line 13.
Strike: "9"
Insert: "8"

2. Page 1, line 26.
Following: "through"
Strike: "9"
Insert: "8"

3. Page 1, line 28 through line 29.
Strike: "<u>, WITH</u>" on line 28 through "<u>(2)</u>" on line 29

4. Page 1, line 30 through page 2, line 3.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

5. Page 2, line 4.
Strike: "9"
Insert: "8"

6. Page 2, line 19.
Strike: "9"
Insert: "8"

7. Page 4, line 9 through line 12.
Strike: section 6 in its entirety
Renumber: subsequent sections

8. Page 4, line 19.
Strike: "9"
Insert: "8"

9. Page 4, line 23.
Strike: "9"
Insert: "8"

10. Page 5, line 26.

Strike: "9"
Insert: "8"

11. Page 5, line 28.
Strike: "9"
Insert: "8"

And, as amended, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 3/17/2015
SR 13, preliminary report.
HB 252, be concurred in. Report adopted.
HJ 11, be concurred in. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 3/17/2015
SB 99, do pass. Report adopted.
HB 28, be amended as follows:

1. Title, page 1, line 8.
Following: "AVAILABLE;"
Strike: "AND"
Insert: "REQUIRING THE BOARD TO RECORD MEETINGS AND HEARINGS USING EXISTING RESOURCES;"

2. Title, page 1, line 8.
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 2, line 6.
Insert: line 5
Insert: "NEW SECTION. **Section 2. Intent.** It is the intent of the legislature that the board of pardons and parole implement the provisions of [this act] within existing resources."
Insert: "NEW SECTION. **Section 3. Termination.** [Section 1] terminates June 30, 2019."

And, as amended, be concurred in. Report adopted.

HB 180, be amended as follows:

1. Title, line 5.
Strike: "MAKING"
Insert: "EXTENDING THE TERMINATION DATE OF"

2. Title, page 1, line 6.
Strike: "PERMANENT; REPEALING"
Insert: "; AND AMENDING"

3. Page 1, line 12 through line 14.
Strike: section 1 in its entirety

4. Page 1, line 15.
Insert: **"Section 1.** Section 8, Chapter 390, Laws of 2013, is amended to read:
"**Section 8.** Section 6, Chapter 495, Laws of 1999, is amended to read:
"Section 6. Termination. [This act] terminates June 30, ~~2013~~ ~~2016~~ 2031.""

Insert: **"Section 2.** Section 9, Chapter 390, Laws of 2013, is amended to read:
"**Section 9.** Section 15, Chapter 389, Laws of 2011, is amended to read:
"**Section 15.** Section 6, Chapter 495, Laws of 1999, is amended to read:
"Section 6. Termination. [This act] terminates June 30, ~~2013~~ ~~2020~~ ~~2016~~ 2031.""

Insert: **"Section 3.** Section 10, Chapter 390, Laws of 2013, is amended to read:
"Section 10. Section 16, Chapter 389, Laws of 2011, is amended to read:
"Section 16. Section 1, Chapter 70, Laws of 2001, is amended to read:
"Section 1. Section 6, Chapter 495, Laws of 1999, is amended to read:
"Section 6. Termination. ~~[This act]~~ [This act] ~~terminates~~ terminates June 30, ~~2013~~ ~~2016~~ ~~2020~~ ~~2016~~ 2031.""

And, as amended, be concurred in. Report adopted.

HB 244, be amended as follows:

1. Title, page 1, line 6.
Following: "MARKETS"
Insert: "AND OTHER LITIGATION"

2. Page 1, line 13.
Following: "resources"
Insert: "including energy and other major litigation"
Strike: "These"
Insert: "At least $200,000 of these"

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 3/17/2015
SB 309, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "LAND;"
Insert: "INCREASING THE TAX CREDIT FOR QUALIFIED ACCESS;"

2. Page 1, line 13.

Strike: "$500"
Insert: "$750"

3. Page 1, line 15.
Strike: "$2,000"
Insert: "$3,000"

4. Page 1, line 20.
Strike: "$500"
Insert: "$750"

5. Page 1, line 22.
Strike: "$500"
Insert: "$750"

And, as amended, do pass. Report adopted.

HB 450, be amended as follows:

1. Page 1, line 19.
Following: "mechanism"
Insert: "registered with the bureau of alcohol, tobacco, firearms and explosives"

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/17/2015
HB 60, be amended as follows:

1. Page 1, line 24.
Strike: "A"
Insert: "Except as provided in subsection (3), a"

2. Page 1, line 25 through page 2, line 4.
Strike: subsection (3) in its entirety
Insert: "(3) (a) The department shall waive the penalty if the late filing is the first offense within a 3-year period of timely filings.

(b) The department may waive the penalty if the director or the director's designee determines the late filing or payment to be beyond the distributor's control."

3. Page 2, line 25.
Strike: "A"
Insert: "Except as provided in subsection (3), a"

4. Page 2, line 26 through page 3, line 5.
Strike: subsection (3) in its entirety

Insert: "(3) (a) The department shall waive the penalty if the late filing is the first offense within a 3-year period of timely filings.

(b) The department may waive the penalty if the director or the director's designee determines the late filing or payment to be beyond the distributor's control."

5. Page 3.
Following: line 11
Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If both House Bill No. 99 and [this act] are passed and approved, then section 15-70-352(4) in [this act] must read as follows:

(4) If a distributor or other person required to pay the tax willfully fails, neglects, or refuses to file any statement required by this part or willfully fails to pay the tax within the time provided, the department may revoke any license issued under this part."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 3/17/2015
HB 204, be amended as follows:

1. Title, page 1, line 10.
Strike: "SECTION"
Insert: "SECTIONS 27-1-753 AND"

2. Page 2, line 5.
Following: line 5
Insert: "Section 1. Section 27-1-753, MCA, is amended to read:

"27-1-753. Limitation on liability in sport or recreational opportunity. (1) A person who participates in any sport or recreational opportunity assumes the inherent risks in that sport or recreational opportunity, whether those risks are known or unknown or whether a written waiver or release is executed, and is legally responsible for all injury or death to the person and for all damage to the person's property that result from the inherent risks in that sport or recreational opportunity.

(2) A provider is not required to eliminate, alter, or control the inherent risks within the particular sport or recreational opportunity that is provided.

(3) (a) Sections 27-1-751 through 27-1-754 do not preclude an action based on the negligence of the provider if the injury, death, or damage is not the result of an inherent risk of the sport or recreational opportunity.

(b) This section does not prohibit a written waiver or release entered into prior to engaging in a sport or recreational opportunity for damages or injuries resulting from conduct that constitutes ordinary negligence or for risks that are inherent in the sport or recreational opportunity.

(c) Any waiver or release for a sport or recreational opportunity, must:

(i) state known inherent risks of the sport or recreational opportunity; and

(ii) contain the following statement in bold typeface: By signing this document you are waiving your legal right to a jury trial to hold the provider legally responsible for any injuries you may suffer due to the provider's ordinary negligence or for injuries or damages resulting from risks

inherent in the sport or recreational opportunity.

(d) Any waiver or release for a sport or recreational opportunity may still be challenged on any legal grounds.

(e) Any waiver or release for a sport or recreational opportunity executed in compliance with this section is not prohibited by or subject to the provisions of 28-2-702.

(4) Sections 27-1-751 through 27-1-754 do not apply to a cause of action based on the design, manufacture, provision, or maintenance of sports or recreational equipment or products or safety equipment used incidental to or required by the sport or recreational activity.""

Renumber: subsequent sections

3. Page 2, line 7 through 8.
Strike: "(1)" through "All" on line 8
Insert: "Except as provided in 27-1-753, all"

4. Page 2, line 11 through line 15.
Strike: subsection (2) through subsection (3) in their entirety

And, as amended, be concurred in. Report adopted.

HB 207, be concurred in. Report adopted.
HB 446, be concurred in. Report adopted.
HB 447, be amended as follows:

1. Title, page 1, line 4.
Strike: "PROVIDING THAT"
Insert: "ALLOWING"

2. Title, page 1, line 5.
Strike: "AND OBTAINS RELIEF AT ANY STAGE"

3. Title, page 1, line 6.
Strike: "IS"
Insert: "TO BE"

4. Page 1, line 16.
Following: "prevails"
Strike: "and obtains relief at any stage"

5. Page 1, line 18.
Strike: "must"
Insert: "may"

And, as amended, be concurred in. Report adopted.

HB 448, be amended as follows:

1. Title, page 1, line 4.
Strike: "REQUIRING THAT"
Insert: "ALLOWING"
Following: "PERSON"
Insert: "ALLEGING A DEPRIVATION OF RIGHTS"
Strike: "AND"

2. Title, page 1, line 5.
Strike: "OBTAINS RELIEF AT ANY STAGE"

3. Title, page 1, line 6.
Following: "KNOW"
Insert: "TO"

4. Page 1, line 14.
Strike: "and obtains relief at any stage"

5. Page 1, line 16.
Strike: "must"
Insert: "may"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/17/2015

SB 56, introduced by B. Hamlett
SB 80, introduced by D. Brown
SB 89, introduced by J. Brenden

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/17/2015

SB 42, introduced by S. Malek
SB 74, introduced by M. Moe

House bill passed and transmitted to the Senate for concurrence: 3/17/2015

HB 477, introduced by G. Bennett

House joint resolution passed and transmitted to the Senate for concurrence: 3/17/2015

HJ 7, introduced by T. Steenberg

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 406, introduced by R. Driscoll, referred to Judiciary.
SB 407, introduced by C. Vincent, referred to Taxation.

The following House bill was introduced, read first time, and referred to committee:

HB 477, introduced by G. Bennett, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 7, introduced by T. Steenberg, T. Berry, J. Eck, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McNally in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 312 - Senator Phillips moved **SB 312** do pass.

SB 312 - Senator Phillips moved **SB 312**, second reading copy, be amended as follows:

1. Page 4, line 22.
Strike: "ALLOWANCE"
Insert: "disallowance"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 312 - Senator Phillips moved **SB 312**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 35

Nays: Blasdel, Brenden, D. Brown, Fielder, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Vance, Vincent, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 39 - **House Amendments** - Senator C. Smith moved House amendments to **SB 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 41 - **House Amendments** - Senator Facey moved House amendments to **SB 41** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 60 - **House Amendments** - Senator Driscoll moved House amendments to **SB 60** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241 - **House Amendments** - Senator Webb moved House amendments to **SB 241** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy

Boy, Wolken, Ms. President.
Total 42

Nays: Cohenour, Driscoll, Kaufmann, Malek, Moe, Phillips, Pomnichowski, Whitford.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 97 - Senator Buttrey moved **HB 97** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Swandal, Thomas, Tutvedt, Vincent, Whitford, Wolken.
Total 27

Nays: Blasdel, Brenden, D. Brown, Caferro, Cohenour, Fielder, Hinkle, Howard, Kary, Keane, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Taylor, Vance, Vuckovich, Webb, Windy Boy, Ms. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 375 - Senator Buttrey moved **HB 375** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Ripley, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Wolken.
Total 30

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Moore, Phillips, Pomnichowski, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Windy Boy, Ms. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 382 - Senator Caferro moved **HB 382** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Brenden, Ripley, Sales, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 107 - Senator Malek moved **HB 107** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Wolken.
Total 33

Nays: Brenden, Fielder, Hansen, Hinkle, Hoven, Howard, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 8 - Senator Buttrey moved **HJ 8** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich,

Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Brenden, Hinkle, Howard, Sales, Smith, Vance.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 12 - Senator D. Brown moved **HJ 12** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, D. Brown, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Jones, Keenan, Larsen, McNally, Phillips, Swandal, Taylor, Thomas.
Total 19

Nays: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Facey, Hinkle, Howard, Kary, Kaufmann, Keane, Malek, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 12 - Majority Leader Rosendale moved **HJ 12** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: D. Brown, Fielder, Keenan, Ripley, Taylor.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair McNally moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 387 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Blasdel, Brenden, D. Brown, Hinkle, Kary, Ripley, Rosendale, Sales, Smith, Vance, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 396 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Barrett Dick, Kaufmann, Malek, Phillips, Pomnichowski, Sesso.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 412 concurred in as follows:

Yeas: Ankney, Barrett Dick, Blasdel, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 37

Nays: Arntzen, Brenden, D. Brown, Buttrey, Fielder, Kary, Ripley, Sales, Smith, Taylor, Vance, Webb, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 414 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 449 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 461 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Wolken.
Total 32

Nays: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 482 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, March 19, 2015, the fifty-seventh legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 19, 2015 — State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Moore presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Debby Barrett, Blasdel and Whitford excused. Quorum present.

BILLS AND JOURNALS 3/19/2015
Correctly printed: **SB 99**, **SB 406**, **SB 407**, **HB 44**, **HB 97**, **HB 107**, **HB 117**, **HB 207**, **HB 240**, **HB 252**, **HB 375**, **HB 382**, **HB 446**, **HJ 8**, **HJ 11**.
Correctly engrossed: **SB 193**, **SB 312**, **HB 118**, **HB 251**.
Transmitted to the House: **HB 387**, **HB 396**, **HB 412**, **HB 414**, **HB 449**, **HB 461**, **HB 482**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/17/2015
HB 306, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/19/2015
SB 193, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND"

2. Title, page 1, line 7.
Following: "16-2-101, MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES"

3. Page 1, line 27.
Strike: "43%"
Insert: "40.5% for all liquor other than sacramental wine, for which the markup must be 20%, and fortified wine containing more than 16% but not more than 24% alcohol by volume, for which the markup must be 51%"

4. Page 3, line 7.
Following: "~~operation~~."
Insert: "The commission rates constitute the only compensation the department provides to agency liquor stores and reflect that agency liquor stores sell at retail and wholesale and must provide the discount in 16-2-201."

5. Page 3, line 13.
Following: "(4)"
Insert: "(a) Beginning February 1, 2016, each agency liquor store's commission rate is equal to the agency liquor store's combined commission rates on December 31, 2015, plus 1/3 of the difference between the agency liquor store's commission rate as determined in subsection (4)(b) and the agency liquor store's combined commission rate on December 31, 2015. Beginning February 1, 2017, each agency liquor store's commission rate is equal to the agency liquor store's combined commission rates on December 31, 2015, plus 2/3 of the difference between the agency liquor store's commission rate as determined in subsection (4)(b) and the agency liquor store's combined commission rates on December 31, 2015. Beginning February 1, 2018, each agency liquor store's commission rate is determined as in subsection (4)(b)."
Renumber: subsequent subsections

6. Page 3, line 18.
Strike: "$750,000"
Insert: "$720,000"

7. Page 3, line 19.
Strike: "$750,000"
Insert: "$720,000"
Strike: "$1 million"
Insert: "$950,000"

8. Page 3, line 20.
Strike: "$1 million"
Insert: "$950,000"
Strike: "$1.5 million"
Insert: "$1.525 million"

9. Page 3, line 21.
Strike: "$1.5 million"
Insert: "$1.525 million"
Strike: "$2 million"
Insert: "$1.85 million"

10. Page 3, line 22.
Strike: "$2 million"
Insert: "$1.85 million"
Strike: "$3.5 million"
Insert: "$2.25 million"
Strike: "or"

11. Page 3, line 23.
Strike: "12%"

Insert: "12.75%"
Strike: "$3.5 million; or"
Insert: "$2.25 million but not more than $3.25 million;"

12. Page 3, line 24.
Following: line 23
Insert: "(I) a 12.5% commission for purchases of more than $3.25 million but not more than $7 million; or
(J) a 12.15% commission for purchases of more than $7 million; or"

13. Page 3, line 25.
Strike: "(4)(a)(i)"
Insert: "(4)(b)(i)"

14. Page 4, line 12.
Strike: "during the current calendar year"
Insert: "for the period beginning February 1 and ending January 31"

15. Page 4, line 13.
Following: "prior"
Insert: "calendar"
Strike: "(4)(a)(i)"
Insert: "(4)(b)(i)"

16. Page 4, line 14.
Strike: "(4)(a)(i)"
Insert: "(4)(b)(i)"

17. Page 6, line 28.
Following: line 27
Insert: "NEW SECTION. **Section 3. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective November 1, 2015.
(2) [Section 2] is effective February 1, 2016."

And, as amended, do pass. Report adopted.

HB 481, be concurred in. Report adopted.
HB 522, be concurred in. Report adopted.
HB 537, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 3/6/2015
SR 19, be adopted. Report adopted.
SR 21, be adopted. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 3/18/2015
HB 69, be concurred in. Report adopted.
HB 198, be concurred in. Report adopted.
HB 251, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND"
Following: "19-3-111,"
Insert: "AND 19-3-412,"

2. Page 1, line 27.
Insert: "(4) A former legislator may not be hired as a temporary legislative aide unless the former legislator has been out of legislative office for at least 2 years."

3. Page 4, following line 9.
Insert: "Section 5. Section 19-3-412, MCA, is amended to read:

"19-3-412. Optional membership. (1) Except as provided in 5-2-304, [section 1], and subsection (2) of this section, the following employees and elected officials in covered positions shall elect either to become active members of the retirement system or to decline this optional membership by filing an irrevocable, written application with the board in the manner prescribed in subsection (3):

(a) elected officials of the state or local governments, including individuals appointed to fill the unexpired term of elected officials, who:

(i) are paid on a salary or wage basis rather than on a per diem or other reimbursement basis; or

(ii) were members receiving retirement benefits under the defined benefit plan or a distribution under the defined contribution plan at the time of their election;

(b) employees serving in employment that does not cumulatively exceed a total of 960 hours of covered employment with all employers under this chapter in any fiscal year;

(c) employees directly appointed by the governor;

(d) employees working 10 months or less for the legislative branch to perform work related to the legislative session;

(e) the chief administrative officer of any city or county;

(f) employees of county hospitals or rest homes.

(2) A member who is elected to a local government position in which the member works less than 960 hours in a fiscal year may, within 90 days of taking office, decline optional membership with respect to the member's elected position.

(3) (a) The board shall prescribe the form of the written application required pursuant to subsection (1) and provide written application forms to each employer.

(b) Each employee or elected official in a position covered under subsection (1) shall obtain the written application form from the employer and complete and return it to the board.

(c) The written application must be filed with the board:

(i) for an employee described in subsection (1)(d), within 90 days of the commencement of the employee's employment; and

(ii) for an employee or elected official described in subsection (1)(a), (1)(b), (1)(c), (1)(e),

or (1)(f), within 90 days of the commencement of the employee's or elected official's employment.

(d) The employer shall retain a copy of the employee's or elected official's written application.

(4) If the employee or elected official fails to file the written application required under subsection (1) with the board within the time allowed in subsection (3), the employee or elected official waives membership.

(5) An employee or elected official who declines optional membership may not receive membership service or service credit for the employment for which membership was declined.

(6) An employee or elected official who declined optional membership but later becomes a member may purchase service credit for the period of time beginning with the date of employment in which membership was declined to the commencement of membership. Purchase of service credit pursuant to this subsection must comply with 19-3-505.

(7) Except as provided in subsection (2), membership in the retirement system is not optional for an employee or elected official who is already a member. Upon employment in a position for which membership is optional:

(a) a member who was an active member before the employment remains an active member;

(b) a member who was an inactive member before the employment becomes an active member; and

(c) a member who was a retired member before the employment is subject to part 11 of this chapter.

(8) (a) An employee who declines membership for a position for which membership is optional may not later become a member while still employed with the same employer but in a different optional membership position.

(b) An elected official who declines membership for a position for which membership is optional may not later become a member if reelected to the same optional membership position.

(c) If, after termination from employment for 30 days or more, an employee who was employed in an optional membership position is reemployed in the same position or is employed in a different position for which membership is optional, the employee shall again choose or decline membership.

(d) If the termination from employment is less than 30 days, an employee who declined membership is bound by the employee's original decision to decline membership.

(9) An employee accepting a position that requires membership must become a member even if the employee previously declined membership and did not have a 30-day break in service.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 372, be concurred in. Report adopted.
HB 392, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/18/2015

SB 21, introduced by J. Cohenour
SB 22, introduced by J. Cohenour
SB 94, introduced by E. Buttrey

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/18/2015

SB 31, introduced by L. Whitford

House bills passed and transmitted to the Senate for concurrence: 3/18/2015

HB 560, introduced by G. Hertz
HB 587, introduced by K. Regier

Senate amendments to House bills concurred in: 3/18/2015

HB 95, introduced by K. McCarthy
HB 183, introduced by F. Mandeville

MOTIONS

Senator Rosendale moved **SB 157** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 560, introduced by G. Hertz, referred to Business, Labor, and Economic Affairs.
HB 587, introduced by K. Regier, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hoven in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 387 - Senator C. Smith moved **SB 387** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder,

Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Paired: Blasdel, Rosendale, Ms. President, Aye; Larsen, Pomnichowski, Whitford, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 164 - Senator Tutvedt moved **HB 164** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 289 - Senator Buttrey moved **HB 289** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 45

Nays: Facey, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 334 - Senator Pomnichowski moved **HB 334** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Windy Boy, Wolken.
Total 38

Nays: D. Brown, Fielder, Hinkle, Kary, Rosendale, Sales, Smith, Vance, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 36 - Senator Keane moved **HB 36** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 226 - Senator Keane moved **HB 226** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 270 - Senator Vincent moved **HB 270** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 318 - Senator Sands moved **HB 318** be concurred in.

HB 318 - Senator Sands moved **HB 318**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"

2. Page 9, line 4.
Insert: "NEW SECTION. **Section 7. Applicability.** [This act] applies to health insurance plans and policies issued or renewed on or after January 1, 2016."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 43

Nays: Howard, Rosendale, Sales, Smith.
Total 4

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 318 - Senator Sands moved **HB 318**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Vuckovich, Windy Boy, Wolken.
Total 28

Nays: Brenden, D. Brown, T. Brown, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Tutvedt, Vance, Vincent, Webb.
Total 19

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 422 - Senator Sands moved **HB 422** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Windy Boy, Wolken.
Total 33

Nays: Arntzen, Brenden, Fielder, Hansen, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent.
Total 14

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 429 - Senator Windy Boy moved **HB 429** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Windy Boy, Wolken.
Total 42

Nays: Malek, Ripley, Sales, Vincent, Vuckovich.
Total 5

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 507 - Senator Swandal moved **HB 507** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 513 - Senator Swandal moved **HB 513** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 46

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Pro Tempore Moore presiding. Chair Hoven moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 39, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

SB 41, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

SB 60, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

SB 241, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Brenden, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy.
Total 27

Nays: Barrett Dick, D. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Vuckovich, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 97 failed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Connell, Driscoll, Facey, Hoven, Jones, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Swandal, Thomas, Tutvedt.
Total 23

Nays: Brenden, D. Brown, Caferro, Cohenour, Fielder, Hamlett, Hansen, Hinkle, Howard, Kary, Keane, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Taylor, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 107 concurred in as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll,

Facey, Hamlett, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Windy Boy, Wolken.
Total 30

Nays: Arntzen, Brenden, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Moore, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb.
Total 17

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 208 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 46

Nays: Tutvedt.
Total 1

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 375 concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Wolken.
Total 27

Nays: Arntzen, Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HB 382 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Windy Boy, Wolken.
Total 42

Nays: Brenden, Ripley, Sales, Vance, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

HJ 8 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Windy Boy, Wolken.
Total 40

Nays: Brenden, Hinkle, Howard, Ripley, Sales, Smith, Vance.
Total 7

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

SPECIAL ORDERS OF THE DAY

Senator Buttrey introduced Selig Kirwan who is employed by Propylon, the contractor for the

legislative session systems replacement project. Mr. Kirwan is from Dublin, Ireland.

Senator Hamlett arose on a point of personal privilege. Today is the 151st birthday of Charles Marion Russell and Senator Hamlett urged members to attend the Western Art Roundup in Great Falls which features the Charlie Russell auction.

MOTIONS

Senator Sales moved **HB 330** be taken from the table in the Finance and Claims Committee and re-referred to the Judiciary Committee. Motion carried as follows:

Yeas: Ankney, Arntzen, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hinkle, Jones, Keenan, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Wolken.
Total 26

Nays: Barrett Dick, Cohenour, Connell, Facey, Hamlett, Hansen, Hoven, Howard, Kary, Kaufmann, Keane, Larsen, Malek, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Webb, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Blasdel, Whitford, Ms. President.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Friday, March 20, 2015, the fifty-eighth legislative day. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 20, 2015 — State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Moore presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present, Senators Hoven, Swandal and Wolken and President Debby Barrett excused. Quorum present.

BILLS AND JOURNALS 3/20/2015

Correctly printed: **SB 387**, **SR 19**, **SR 21**, **HB 36**, **HB 69**, **HB 164**, **HB 198**, **HB 226**, **HB 270**, **HB 289**, **HB 306**, **HB 334**, **HB 372**, **HB 392**, **HB 422**, **HB 429**, **HB 481**, **HB 507**, **HB 513**, **HB 522**, **HB 537**.

Correctly engrossed: **SB 375**, **SB 397**, **HB 24**, **HB 207**, **HB 318**, **HB 350**, **HB 439**, **HB 474**, **HB 516**, **HB 550**.

Correctly enrolled: **SB 21**, **SB 22**, **SB 39**, **SB 41**, **SB 60**, **SB 94**, **SB 97**, **SB 124**, **SB 131**, **SB 151**, **SB 152**, **SB 241**.

Transmitted to the House: **SB 39**, **SB 41**, **SB 60**, **SB 241**, **HB 107**, **HB 208**, **HB 375**, **HB 382**, **HJ 8**.

Signed by the Speaker at 11:00 a.m., March 20, 2015: **SB 77**, **SB 88**, **SB 96**, **SB 105**, **SB 110**, **SB 111**, **SB 119**, **SB 142**.

Signed by the Speaker at 11:15 a.m., March 20, 2015: **SB 56**, **SB 80**, **SB 89**.

Delivered to the Governor at 3:52 p.m., March 20, 2015: **SB 56**, **SB 77**, **SB 80**, **SB 88**, **SB 89**, **SB 96**, **SB 105**, **SB 110**, **SB 111**, **SB 119**, **SB 142**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/19/2015

HB 439, be amended as follows:

1. Page 1, line 10.
Following: "meetings"
Insert: ", including meetings held by conference call or other electronic means"

2. Page 1, line 11.
Following: "shall"
Insert: "make the audio or video recording available online in real time when possible and shall"
Following: "available"
Insert: "on the board's website within 2 business days of the meeting date"

And, as amended, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/19/2015
HB 350, be amended as follows:

1. Page 1, line 16.
Strike: "(4)"
Insert: "(3)"
Strike: "TWO"
Insert: "four"

2. Page 1, line 20 through line 21.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HB 550, be amended as follows:

1. Title, page 1, line 7.
Strike: "DERIVATIVE"

2. Page 1, line 25.
Following: "incorporated under"
Insert: "the laws of this state pursuant to"

3. Page 3, lines 28 through 29.
Strike: "," on line 28 through "shares, ~~the~~" on line 29
Insert: "the"

4. Page 3, line 29.
Following: "payment ~~on shares~~"
Insert: "on shares"
Following: "withdrawal ~~of shares~~"
Insert: "of shares"

5. Page 3, line 30.
Following: "~~of shares~~"
Insert: "of shares"
Following: "of any kind,"
Strike: "new"

6. Page 10, line 18.
Following: "instruments"
Strike: "of or"

7. Page 10, line 19.
Following: "America"
Strike: ","
Following: "government"
Strike: ","

8. Page 10, line 20.
Following: "collectively in"
Insert: "securities, obligations, or other instruments issued by or fully guaranteed as to principal and interest by"

9. Page 11, line 8 through line 11.
Strike: "In" on line 8 through "hold." on line 11
Insert: "However, a credit union may not purchase, sell, underwrite, or hold investment securities that are derivative transactions."

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 3/18/2015
HB 34, be concurred in. Report adopted.
HB 35, be concurred in. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 3/19/2015
HB 24, be amended as follows:

1. Page 1, line 13.
Strike: "**Department-operated transitional**"
Insert: "**Transitional**"

2. Page 1, line 14.
Following: "operate"
Insert: "or may contract for operation of"

3. Page 1, line 17 through line 18.
Strike: "operated" on line 17 through "services" on line 18

4. Page 1, line 22 through line 24.
Strike: subsection (3) in its entirety

5. Page 1.
Following: line 24
Insert: "(3) A transitional mental health group home:
(a) must be located in a major geographic market;
(b) may not have more than four beds; and
(c) may not be located on the campus of an existing state institution listed in 53-1-602 or

state prison as defined in 53-
30-101."

6. Page 1, line 25.
Following: "(4)"
Insert: "(a)"
Following: "contract for"
Insert: " operation of one or more group homes and for"

7. Page 1.
Following: line 26
Insert: "(b) A contract for operation of a transitional mental health group home must include:

(i) a requirement that the contractor accept any individual selected by the department of public health and human services for placement in the group home; and

(ii) a provision allowing the contractor to indicate to the department within 90 days of an individual's placement that the contractor is unable to serve the individual and is terminating services."

8. Page 6, line 11.
Following: "operate"
Insert: "or contract for operation of"

9. Page 6, line 14.
Following: "fund"
Insert: "and $476,316 in federal funds"

10. Page 6, line 28.
Following: "then"
Insert: ": (1)"
Following: "VOID"
Insert: "; and (2) the language in House Bill No. 2 governing the use of the House Bill No. 2 appropriation must be amended as follows:

"Transitional Mental Health Group Home may be used only to ~~construct and~~ operate mental health transitional group homes in accordance with the provisions of HB 24. Transitional Mental Health Group Home is contingent on passage and approval of HB 24.""

And, as amended, be concurred in. Report adopted.

HB 33, be concurred in. Report adopted.
HB 47, be concurred in. Report adopted.
HB 111, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/19/2015
SB 375, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "61-8-312,"

2. Page 2, line 7.
Following: "61-8-303"
Insert: "or 61-8-312"

3. Page 3, lines 10 and 11.
Strike: ":" on line 10 through "(i)" on line 11

4. Page 3, line 12 through line 16.
Following: "61-8-303(1)(a)" on line 12
Insert: "."
Strike: "; or" on line 12 through "suitable." on line 16

5. Page 4, line 9 through line 23.
Strike: section 3 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 397, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "vehicle"
Insert: "of less than 26,000 pounds GVW"

2. Page 1, line 19.
Following: the first "emissions"
Strike: "or"
Insert: "and"

And, as amended, do pass. Report adopted.

HB 99, be concurred in. Report adopted.
HB 573, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 3/20/2015
HB 272, be concurred in. Report adopted.
HB 297, be concurred in. Report adopted.
HB 315, be concurred in. Report adopted.
HB 474, be amended as follows:

1. Title, page 1, line 4 through line 5.
Strike: "AND" on line 4 through "SERVICES" on line 5

Strike: "COORDINATE" on line 5
Insert: "UNDERTAKE"

2. Title, page 1, line 6.
Following: "TRAFFICKING"
Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 1, line 15.
Strike: "AND THE" through "SERVICES"
Strike: "COORDINATE"
Insert: "undertake"

4. Page 1, line 24.
Following: "~~services,~~"
Insert: ", the department of public health and human services,"

5. Page 2.
Following: line 3
Insert: "NEW SECTION. **Section 3. Termination.** [This act] terminates September 30, 2019."

And, as amended, be concurred in. Report adopted.

HB 516, be amended as follows:

1. Page 2, line 28.
Following: "~~conviction~~"
Insert: "in light of all the evidence,"

2. Page 2, line 29.
Following: "convicted"
Strike: "or would have received a lesser sentence"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/19/2015

SB 97, introduced by C. Vincent
SB 124, introduced by D. Brown
SB 131, introduced by D. Kary
SB 151, introduced by D. Kary
SB 152, introduced by C. Smith

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/19/2015

SB 109, introduced by N. Swandal
SB 126, introduced by R. Webb

MOTIONS

Senator Rosendale moved **SB 193** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 408, introduced by E. Buttrey, R. Driscoll, B. Hoven, D. Kary, F. Thomas, G. Vuckovich, R. Webb, referred to Finance and Claims.
SB 409, introduced by C. Vincent, B. Hamlett, L. Jones, R. Lynch, P. Noonan, A. Redfield, R. Shaw, G. Vuckovich, J. Welborn, referred to Natural Resources.
SB 410, introduced by L. Jones, referred to Education and Cultural Resources.
SB 411, introduced by M. Caferro, S. Sales, referred to Public Health, Welfare and Safety.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 22, introduced by R. Webb, referred to Public Health, Welfare and Safety.

The following Senate bill was referred to committee:

SB 391, introduced by F. Moore, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 259 - Senator Tutvedt moved consideration of **SB 259** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 44 - Senator Thomas moved **HB 44** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 117 - Senator Keane moved **HB 117** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 45

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 207 - Senator Sands moved **HB 207** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 45

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

SB 99 - Senator Cohenour moved **SB 99** do pass.

SB 99 - Senator Cohenour moved **SB 99**, second reading copy, be amended as follows:

1. Title, page 1, line 8.
Strike: "REMOVE THE PURCHASING"
Insert: "RETAIN A SMALL BUSINESS PREMIUM INCENTIVE; REMOVING PRIOR TO 2016 THE PREMIUM ASSISTANCE AND TAX CREDIT PROGRAMS WITHIN THE SMALL BUSINESS HEALTH INSURANCE"

2. Title, page 1, line 12 through line 15.
Strike: "SHIFTING" on line 12 through "PROGRAM;" on line 15
Insert: "PROVIDING FOR A TRANSITION TO THE REVISED PREMIUM INCENTIVE PAYMENT; EXTENDING RULEMAKING AUTHORITY; AUTHORIZING THE INSURANCE COMMISSIONER TO SEEK A WAIVER IN RELATION TO THE SMALL BUSINESS PREMIUM INCENTIVE PROGRAM;"

3. Title, page 1, line 16.
Strike: "33-2-708,"
Insert: "15-30-2110, 15-30-2618, 15-31-130, 15-31-511,"

4. Title, page 1, line 17.
Following: "~~45-6-301,~~"
Insert: "45-6-301,"

5. Title, page 1, line 19.
Following: "~~DATE~~"
Insert: "AND AN APPLICABILITY DATE"

6. Page 1, line 23 through page 38, line 6.
Strike: everything after the enacting clause
Insert: **Section 1.** Section 15-30-2110, MCA, is amended to read:

"**15-30-2110. Adjusted gross income.** (1) Subject to subsection (13), adjusted gross income is the taxpayer's federal adjusted gross income as defined in section 62 of the Internal Revenue Code, 26 U.S.C. 62, and in addition includes the following:

(a) (i) interest received on obligations of another state or territory or county, municipality, district, or other political subdivision of another state, except to the extent that the interest is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue

Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (1)(a)(i);

(b) refunds received of federal income tax, to the extent that the deduction of the tax resulted in a reduction of Montana income tax liability;

(c) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(d) depreciation or amortization taken on a title plant as defined in 33-25-105;

(e) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(f) if the state taxable distribution of an estate or trust is greater than the federal taxable distribution of the same estate or trust, the difference between the state taxable distribution and the federal taxable distribution of the same estate or trust for the same tax period; and

(g) except for exempt-interest dividends described in subsection (2)(a)(ii), for tax years commencing after December 31, 2002, the amount of any dividend to the extent that the dividend is not included in federal adjusted gross income.

(2) Notwithstanding the provisions of the Internal Revenue Code, adjusted gross income does not include the following, which are exempt from taxation under this chapter:

(a) (i) all interest income from obligations of the United States government, the state of Montana, or a county, municipality, district, or other political subdivision of the state and any other interest income that is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (2)(a)(i);

(b) interest income earned by a taxpayer who is 65 years of age or older in a tax year up to and including $800 for a taxpayer filing a separate return and $1,600 for each joint return;

(c) (i) except as provided in subsection (2)(c)(ii), the first $3,600 of all pension and annuity income received as defined in 15-30-2101;

(ii) for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in subsection (2)(c)(i) by $2 for every $1 of federal adjusted gross income in excess of $30,000 as shown on the taxpayer's return;

(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by $2 for every $1 of federal adjusted gross income in excess of $30,000 as shown on their joint return;

(d) all Montana income tax refunds or tax refund credits;

(e) gain required to be recognized by a liquidating corporation under 15-31-113(1)(a)(ii);

(f) all tips or gratuities that are covered by section 3402(k) or service charges that are covered by section 3401 of the Internal Revenue Code of 1954, 26 U.S.C. 3402(k) or 3401, as amended and applicable on January 1, 1983, received by a person for services rendered to patrons of premises licensed to provide food, beverage, or lodging;

(g) all benefits received under the workers' compensation laws;

(h) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law, including premiums paid by the employer for an employee pursuant to 33-22-166;

(i) all money received because of a settlement agreement or judgment in a lawsuit

brought against a manufacturer or distributor of "agent orange" for damages resulting from exposure to "agent orange";

(j) principal and income in a medical care savings account established in accordance with 15-61-201 or withdrawn from an account for eligible medical expenses, as defined in 15-61-102, of the taxpayer or a dependent of the taxpayer or for the long-term care of the taxpayer or a dependent of the taxpayer;

(k) principal and income in a first-time home buyer savings account established in accordance with 15-63-201 or withdrawn from an account for eligible costs, as provided in 15-63-202(7), for the first-time purchase of a single-family residence;

(l) contributions or earnings withdrawn from a family education savings account or from a qualified tuition program established and maintained by another state as provided by section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified higher education expenses, as defined in 15-62-103, of a designated beneficiary;

(m) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(n) if the federal taxable distribution of an estate or trust is greater than the state taxable distribution of the same estate or trust, the difference between the federal taxable distribution and the state taxable distribution of the same estate or trust for the same tax period;

(o) deposits, not exceeding the amount set forth in 15-30-3003, deposited in a Montana farm and ranch risk management account, as provided in 15-30-3001 through 15-30-3005, in any tax year for which a deduction is not provided for federal income tax purposes;

(p) income of a dependent child that is included in the taxpayer's federal adjusted gross income pursuant to the Internal Revenue Code. The child is required to file a Montana personal income tax return if the child and taxpayer meet the filing requirements in 15-30-2602.

(q) principal and income deposited in a health care expense trust account, as defined in 2-18-1303, or withdrawn from the account for payment of qualified health care expenses as defined in 2-18-1303; and

~~(r) that part of the refundable credit provided in 33-22-2006 that reduces Montana tax below zero; and~~

~~(s)~~(r) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163.

(3) A shareholder of a DISC that is exempt from the corporate income tax under 15-31-102(1)(l) shall include in the shareholder's adjusted gross income the earnings and profits of the DISC in the same manner as provided by section 995 of the Internal Revenue Code, 26 U.S.C. 995, for all periods for which the DISC election is effective.

(4) A taxpayer who, in determining federal adjusted gross income, has reduced the taxpayer's business deductions by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken. The deduction must be made in the year that the wages and salaries were used to compute the credit. In the case of a partnership or small business corporation, the deduction must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) Married taxpayers filing a joint federal return who are required to include part of their social security benefits or part of their tier 1 railroad retirement benefits in federal adjusted

gross income may split the federal base used in calculation of federal taxable social security benefits or federal taxable tier 1 railroad retirement benefits when they file separate Montana income tax returns. The federal base must be split equally on the Montana return.

(6) Married taxpayers filing a joint federal return who are allowed a capital loss deduction under section 1211 of the Internal Revenue Code, 26 U.S.C. 1211, and who file separate Montana income tax returns may claim the same amount of the capital loss deduction that is allowed on the federal return. If the allowable capital loss is clearly attributable to one spouse, the loss must be shown on that spouse's return; otherwise, the loss must be split equally on each return.

(7) In the case of passive and rental income losses, married taxpayers filing a joint federal return and who file separate Montana income tax returns are not required to recompute allowable passive losses according to the federal passive activity rules for married taxpayers filing separately under section 469 of the Internal Revenue Code, 26 U.S.C. 469. If the allowable passive loss is clearly attributable to one spouse, the loss must be shown on that spouse's return; otherwise, the loss must be split equally on each return.

(8) Married taxpayers filing a joint federal return in which one or both of the taxpayers are allowed a deduction for an individual retirement contribution under section 219 of the Internal Revenue Code, 26 U.S.C. 219, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction must be attributed to the spouse who made the contribution.

(9) (a) Married taxpayers filing a joint federal return who are allowed a deduction for interest paid for a qualified education loan under section 221 of the Internal Revenue Code, 26 U.S.C. 221, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction may be split equally on each return or in proportion to each taxpayer's share of federal adjusted gross income.

(b) Married taxpayers filing a joint federal return who are allowed a deduction for qualified tuition and related expenses under section 222 of the Internal Revenue Code, 26 U.S.C. 222, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction may be split equally on each return or in proportion to each taxpayer's share of federal adjusted gross income.

(10) A taxpayer receiving retirement disability benefits who has not attained 65 years of age by the end of the tax year and who has retired as permanently and totally disabled may exclude from adjusted gross income up to $100 a week received as wages or payments in lieu of wages for a period during which the employee is absent from work due to the disability. If the adjusted gross income before this exclusion exceeds $15,000, the excess reduces the exclusion by an equal amount. This limitation affects the amount of exclusion, but not the taxpayer's eligibility for the exclusion. If eligible, married individuals shall apply the exclusion separately, but the limitation for income exceeding $15,000 is determined with respect to the spouses on their combined adjusted gross income. For the purpose of this subsection, "permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months.

(11) (a) An individual who contributes to one or more accounts established under the Montana family education savings program or to a qualified tuition program established and maintained by another state as provided by section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce adjusted gross income by the lesser of $3,000 or

the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in adjusted gross income under this subsection applies only with respect to contributions to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (1)(e) do not apply with respect to withdrawals of contributions that reduced adjusted gross income.

(b) Contributions made pursuant to this subsection (11) are subject to the recapture tax provided in 15-62-208.

(12) (a) A taxpayer may exclude the amount of the loan payment received pursuant to subsection (12)(a)(iv), not to exceed $5,000, from the taxpayer's adjusted gross income if the taxpayer:

(i) is a health care professional licensed in Montana as provided in Title 37;

(ii) is serving a significant portion of a designated geographic area, special population, or facility population in a federally designated health professional shortage area, a medically underserved area or population, or a federal nursing shortage county as determined by the secretary of health and human services or by the governor;

(iii) has had a student loan incurred as a result of health-related education; and

(iv) has received a loan payment during the tax year made on the taxpayer's behalf by a loan repayment program described in subsection (12)(b) as an incentive to practice in Montana.

(b) For the purposes of subsection (12)(a), a loan repayment program includes a federal, state, or qualified private program. A qualified private loan repayment program includes a licensed health care facility, as defined in 50-5-101, that makes student loan payments on behalf of the person who is employed by the facility as a licensed health care professional.

(13) Notwithstanding the provisions of subsection (1), adjusted gross income does not include 40% of capital gains on the sale or exchange of capital assets before December 31, 1986, as capital gains are determined under subchapter P. of Chapter 1 of the Internal Revenue Code as it read on December 31, 1986.

(14) By November 1 of each year, the department shall multiply the amount of pension and annuity income contained in subsection (2)(c)(i) and the federal adjusted gross income amounts in subsection (2)(c)(ii) by the inflation factor for that tax year, but using the year 2009 consumer price index, and rounding the results to the nearest $10. The resulting amounts are effective for that tax year and must be used as the basis for the exemption determined under subsection (2)(c). (Subsection (2)(f) terminates on occurrence of contingency--sec. 3, Ch. 634, L. 1983; subsection (2)(o) terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001.)"

Section 2. Section 15-30-2618, MCA is amended to read: **"15-30-618. Confidentiality of tax records.** (1) Except as provided in 5-12-303, 15-1-106, 17-7-111, and subsections (8) and (9) of this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report

required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer's authorized representative of a certified copy of any return or report filed in connection with the taxpayer's tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-2630.

(4) The department may deliver to a taxpayer's spouse the taxpayer's return or information related to the return for a tax year if the spouse and the taxpayer filed the return with the filing status of married filing separately on the same return. The information being provided to the spouse or reported on the return, including subsequent adjustments or amendments to the return, must be treated in the same manner as if the spouse and the taxpayer filed the return using a joint filing status for that tax year.

(5) Reports and returns must be preserved for at least 3 years and may be preserved until the department orders them to be destroyed.

(6) Any offense against subsections (1) through (5) is punishable by a fine not exceeding $500. If the offender is an officer or employee of the state, the offender must be dismissed from office or employment and may not hold any public office or public employment in this state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction.

(7) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers' payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws; or

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program.

(8) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax upon the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an

individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(9) On written request to the director or a designee of the director, the department shall furnish:

(a) to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-2114(4), for the purpose of enabling the department of justice to administer the provisions of 61-5-105;

(b) to the department of public health and human services information acquired under 15-30-2616, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

(c) to the department of labor and industry for the purpose of prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs information on whether a taxpayer who is the subject of an ongoing investigation by the department of labor and industry is an employee, an independent contractor, or self-employed;

(d) to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing licenses;

(e) to the board of regents information required under 20-26-1111;

(f) to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303, 15-1-106, and 17-7-111. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

(g) to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying for a refund under 15-70-223 or 15-70-362, provided that notice to the applicant has been given as provided in 15-70-223 and 15-70-362. The information obtained by the department of transportation is subject to the same restrictions on disclosure as are individual income tax returns.

(h) to the commissioner of insurance's office all information necessary for the administration of the insure Montana small business ~~health insurance tax credit~~ premium incentive program provided for in Title 33, chapter 22, part 20."

Section 3. Section 15-31-130, MCA, is amended to read:

"**15-31-130. Tax ~~credit~~ deduction for health insurance premiums paid -- eligible small employers -- corporations.** There is a tax ~~credit~~ deduction for the amount of premium paid for a group health plan that is not covered by the premium incentive payment paid under the insure Montana program and that is not otherwise covered by a tax credit, as determined under Title 33, chapter 22, part 20, for eligible small employers against the taxes imposed in 15-31-101 and 15-31-502 ~~for qualifying premiums paid by the eligible small employer for coverage of eligible employees and eligible employees' spouses and dependents under a group health plan subject to Title 33, chapter 22, part 20~~."

Section 4. Section 15-31-511, MCA, is amended to read:

"**15-31-511. Confidentiality of tax records.** (1) Except as provided in this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any return or report required under this chapter or any other information relating to taxation secured in the administration of this chapter; or

(b) any federal return or information in or disclosed on a federal return or report required by law or rule of the department under this chapter.

(2) (a) An officer or employee charged with custody of returns and reports required by this chapter may not be ordered to produce any of them or evidence of anything contained in them in any administrative proceeding or action or proceeding in any court, except:

(i) in an action or proceeding in which the department is a party under the provisions of this chapter; or

(ii) in any other tax proceeding or on behalf of a party to an action or proceeding under the provisions of this chapter when the returns or reports or facts shown in them are directly pertinent to the action or proceeding.

(b) If the production of a return, report, or information contained in them is ordered, the court shall limit production of and the admission of returns, reports, or facts shown in them to the matters directly pertinent to the action or proceeding.

(3) This section does not prohibit:

(a) the delivery of a certified copy of any return or report filed in connection with a return to the taxpayer who filed the return or report or to the taxpayer's authorized representative;

(b) the publication of statistics prepared in a manner that prevents the identification of particular returns, reports, or items from returns or reports;

(c) the inspection of returns and reports by the attorney general or other legal representative of the state in the course of an administrative proceeding or litigation under this chapter;

(d) access to information under subsection (4);

(e) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(f) the disclosure of information to the commissioner of insurance's office that is necessary for the administration of the insure Montana small business ~~health insurance tax credit~~ premium incentive program provided for in Title 33, chapter 22, part 20.

(4) On written request to the director or a designee of the director, the department shall:

(a) allow the inspection of returns and reports by the legislative auditor, but the information furnished to the legislative auditor is subject to the same restrictions on disclosure outside that office as provided in subsection (1); and

(b) provide corporate income tax and alternative corporate income tax information, including any information that may be required under Title 15, chapter 30, part 33, to the

legislative fiscal analyst, as provided in 5-12-303 or 15-1-106, and the office of budget and program planning, as provided in 15-1-106 or 17-7-111. The information furnished to the legislative fiscal analyst and the office of budget and program planning is subject to the same restrictions on disclosure outside those offices as provided in subsection (1).

(5) A person convicted of violating this section shall be fined not to exceed $500. If a public officer or public employee is convicted of violating this section, the person is dismissed from office or employment and may not hold any public office or public employment in the state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction."

Section 5. Section 33-22-1815, MCA, is amended to read:

"**33-22-1815. Qualifications for voluntary purchasing pool.** A voluntary purchasing pool of disability insurance purchasers may be formed solely for the purpose of obtaining disability insurance upon compliance with the following provisions:

(1) It contains at least 51 eligible employees.

(2) It establishes requirements for membership. The voluntary purchasing pool shall accept for membership any small employers and may accept for membership any employers with at least 51 eligible employees that otherwise meet the requirements for membership. However, the voluntary purchasing pool may not exclude any small employers that otherwise meet the requirements for membership on the basis of claim experience, occupation, or health status.

(3) It holds an open enrollment period at least once a year during which new members can join the voluntary purchasing pool.

(4) It offers coverage to eligible employees of member employers and to the employees' dependents. Coverage may not be limited to certain employees of member small employers except as provided in 33-22-1811(3)(c).

(5) It does not assume any risk or form self-insurance plans among its members.

(6) (a) Disability insurance policies, certificates, or contracts offered through the voluntary purchasing pool must rate the entire purchasing pool group as a whole and charge each insured person based on a community rate within the common group, adjusted for case characteristics as permitted by the laws governing group disability insurance.

(b) ~~Except for the rates for the small business health insurance pool established in 33-22-2001, rates~~ Rates for voluntary purchasing pool groups must be set pursuant to the provisions of 33-22-1809.

(c) At its discretion, premiums may be paid to the disability insurance policies, certificates, or contracts by the voluntary purchasing pool or by member employers.

(7) A person marketing disability insurance policies, certificates, or contracts for a voluntary purchasing pool must be licensed as an insurance producer."

Section 6. Section 33-22-1816, MCA, is amended to read:

"**33-22-1816. Commissioner powers and duties -- application for registration -- reporting insolvency.** (1) The commissioner shall develop forms for registration of an organization as a voluntary purchasing pool.

(2) An organization seeking to be registered as a voluntary purchasing pool shall make application to the commissioner. The commissioner shall register an organization as a voluntary

purchasing pool upon proof of fulfillment of the qualifications provided in 33-22-1815.

(3) Except as provided in subsection (5), on March 1 of each year, the voluntary purchasing pool shall provide a report and financial statement for the previous calendar year to the commissioner so that the commissioner may determine:

(a) whether the operation of the voluntary purchasing pool is fiscally sound;

(b) whether the voluntary purchasing pool is bearing any risk; and

(c) the number of individuals covered.

(4) The annual report of the voluntary purchasing pool must disclose its total administrative cost.

(5) A voluntary purchasing pool may choose to operate on a fiscal year other than on the calendar year. A voluntary purchasing pool that establishes a fiscal year that is other than the calendar year shall provide the report required in subsection (3) to the commissioner within 60 days of the voluntary purchasing pool's fiscal yearend.

~~(6) The commissioner may exempt the small business health insurance purchasing pool established in 33-22-2001 from the reporting requirements under subsection (3).~~"

Section 7. Section 33-22-2001, MCA, is amended to read:

"**33-22-2001. Establishment of small business health insurance pool -- intent.** (1) There is established an entity known as the small business health insurance pool, with participating membership consisting of all employer members of the purchasing pool.

(2) The small business health insurance pool is created as a voluntary purchasing pool pursuant to the provisions of 33-22-1815 through 33-22-1817.

(3) Subject to the conditions in 53-6-1201, the purchasing pool shall make group health plan coverage available effective January 1, 2006.

(4) It is the intent of the legislature that the board:

(a) establish criteria that will allow the greatest number of employees possible to be eligible for premium assistance payments by not permitting eligibility for premium assistance payments under this part to employees who continue other comprehensive health insurance coverage through a spouse, parent, or other person; and

(b) allow eligible small employers to determine the length of the waiting period that will apply to their employees as long as the waiting period:

(i) is not more than 12 months; and

(ii) applies to all employees within that small group in the same manner.

(5) The legislative auditor shall conduct or have conducted, at least once each biennium covering the prior 2 fiscal years, a financial compliance audit of the board and the purchasing pool. The cost of the audit must be paid for by the purchasing pool as a direct cost not subject to the cap on administrative expenses.

<u>(6) (a) There is established as of [the effective date of this section] an entity known as the insure Montana small business premium incentive program, with participating membership consisting of all employer members of the insure Montana program.</u>

<u>(b) The commissioner shall, prior to January 1, 2016, provide for a phasing out of the small business health insurance pool and a transition to the January 1, 2016, implementation of the insure Montana small business premium incentive program. The commissioner shall implement and oversee the insure Montana small business premium incentive program, including accepting applications prior to January 1, 2016, for premium incentive payments</u>

starting in 2016."

Section 8. Section 33-22-2001, MCA, is amended to read:

"**33-22-2001. Establishment of insure Montana small business ~~health insurance pool -- intent~~ premium incentive program.** (1) There is established an entity known as the ~~small business health insurance pool~~ insure Montana small business premium incentive program, with participating membership consisting of all employer members of the ~~purchasing pool~~ insure Montana program.

(2) The commissioner shall implement the provisions of this part and oversee the insure Montana small business premium incentive program, also known as the insure Montana program.

~~(2) The small business health insurance pool is created as a voluntary purchasing pool pursuant to the provisions of 33-22-1815 through 33-22-1817.~~

~~(3) Subject to the conditions in 53-6-1201, the purchasing pool shall make group health plan coverage available effective January 1, 2006.~~

~~(4) It is the intent of the legislature that the board:~~

~~(a) establish criteria that will allow the greatest number of employees possible to be eligible for premium assistance payments by not permitting eligibility for premium assistance payments under this part to employees who continue other comprehensive health insurance coverage through a spouse, parent, or other person; and~~

~~(b) allow eligible small employers to determine the length of the waiting period that will apply to their employees as long as the waiting period:~~

~~(i) is not more than 12 months; and~~

~~(ii) applies to all employees within that small group in the same manner.~~

~~(5) The legislative auditor shall conduct or have conducted, at least once each biennium covering the prior 2 fiscal years, a financial compliance audit of the board and the purchasing pool. The cost of the audit must be paid for by the purchasing pool as a direct cost not subject to the cap on administrative expenses.~~"

Section 9. Section 33-22-2002, MCA, is amended to read:

"**33-22-2002. ~~Small business health insurance pool~~ Insure Montana program -- definitions.** As used in this part, the following definitions apply:

~~(1) "Board" means the board of directors of the small business health insurance pool as provided for in 33-22-2003.~~

~~(2)~~(1) "Dependent" has the meaning provided in 33-22-1803.

~~(3)~~(2) ~~(a)~~ "Eligible small employer" means an employer who is sponsoring or will sponsor a group health plan and who:

(a) employed at least ~~two~~ 1 but not more than ~~nine~~ 25 employees during the preceding calendar year; ~~and who~~

(b) employs at least ~~two~~ 1 but not more than ~~nine~~ 25 employees on the first day of the plan year; and

(c) employs at least one nonrelated employee.

~~(b) The term includes small employers who obtain group health plan coverage through a qualified association health plan.~~

~~(4)~~(3) "Employee" means an eligible employee as defined in 33-22-1803.

~~(5)~~(4) "Group health plan" means health insurance coverage offered in connection with a group health plan ~~or health insurance coverage offered to an eligible group as described in 33-22-501~~ as described in 33-22-140, except that:

(a) a self-funded multiple employer welfare arrangement as described in 33-35-103 does not qualify as a group health plan under this part; and

(b) the group health plan is offered only to owners and employees and not to dependents or spouses.

(5) "Nonrelated employee" means an employee who is not related by consanguinity or affinity within the second degree.

(6) "Premium" means the amount of money that a health insurance issuer charges to provide coverage under a group health plan.

~~(7) "Premium assistance payment" means a payment provided for in 33-22-2006 on behalf of employees who qualify to be applied on a monthly basis to premiums paid for group health plan coverage through the purchasing pool or through qualified association health plans.~~

~~(8)~~(7) "Premium incentive payment" means a payment provided for in 33-22-2007~~(1)(b)~~ to on behalf of an eligible small ~~employers~~ employer who ~~qualify~~ qualifies under ~~33-22-2007~~ 33-22-2006 to be applied to premiums paid on a monthly basis for group health plan coverage for all eligible employees of the eligible small employer and, if applicable, any owners of the eligible small employer. ~~obtained through the purchasing pool or through qualified association health plans.~~

~~(9) "Purchasing pool" means the small business health insurance pool.~~

~~(10) "Qualified association health plan" means a plan established by an association whose members consist of employers who sponsor group health plans for their employees and purchase that coverage through an association that qualifies as a bona fide association, as defined in 33-22-1803, or nonbona fide, as provided for in administrative rule. A qualified association health plan is subject to applicable employer group health insurance law and must receive approval from the commissioner to operate as a qualified association health plan for the purposes of this part.~~

~~(11)~~(8) "Related employers" means:

(a) affiliates or affiliated entities or persons who directly or indirectly, through one or more intermediaries, control, are controlled by, or are under common control with a specified entity or person; or

(b) entities or persons that are eligible to file a combined or joint tax return for purposes of state taxation.

~~(12) "Tax credit" means a refundable tax credit as provided for in 33-22-2008.~~

~~(13) "Tax year" means the taxpayer's tax year for federal income tax purposes.~~"

Section 10. Section 33-22-2005, MCA, is amended to read:

"**33-22-2005. Duties of commissioner -- rulemaking authority -- premium incentive formula.** ~~Subject to the conditions in 53-6-1201, the~~ The commissioner shall:

(1) adopt rules regarding the implementation of this part, including rules regarding the administration of the premium incentive payments~~, premium assistance payments, and tax credits, the approval of qualified association health plans,~~ and the registration process;~~. The rules regarding tax credits may not relate to the filing of tax returns and claiming the tax credit on the tax returns.~~

~~(2) supervise the creation of the purchasing pool within the limits described in this part;~~
~~(3) approve or disapprove the operating plan for the purchasing pool;~~
~~(4) if the board chooses to hire one, approve or disapprove the selection of a third-party administrator to handle the administration of the purchasing pool;~~
~~(5) with the assistance of the department of public health and human services, approve or disapprove the schedule of premium incentive payment or premium assistance payment amounts adopted by the board as provided in 33-22-2004;~~
~~(6) approve or disapprove any contracts between a health insurance issuer and the purchasing pool;~~
~~(7) approve or disapprove all group health plans being offered by insurers through the purchasing pool;~~
~~(8) conduct periodic audits of the financial transactions conducted by the purchasing pool;~~
~~(9) allow up to 30%, or more if requested by the board and approved by the commissioner, of the available funding for the premium incentive payments and premium assistance payments to be applied to small group health plan coverage purchased through a qualified association health plan;~~
~~(10) make applicable premium incentive payments or premium assistance payments for qualified association health plan coverage on behalf of eligible small employers and employees or direct the purchasing pool to make the payments; and~~
~~(11) approve or disapprove associations as qualified if their members consist of employers who sponsor group health plan coverage for their employees and purchase that coverage through an association that qualifies as a bona fide association, as defined in 33-22-1803, or nonbona fide, as provided for in administrative rule. A qualified association health plan is subject to applicable employer group health insurance law.~~

(2) establish by rule the amount of premium incentive payment available to an eligible small employer, subject to the following:

(a) the premium incentive payments may not exceed 50% of the total premiums paid by the eligible small employer;

(b) the premium incentive payments must be at least 10% of the total premium paid by the eligible small employer;

(c) the premium incentive payment formula should balance the goal of having as many eligible small employers in the insure Montana program as possible with the goal of providing meaningful assistance to each eligible small employer; and

(d) the total amount of the premium incentive payments provided to all eligible small employers through the insure Montana program may not exceed the amount of available state, federal, and private funding for the insure Montana program;

(3) approve or disapprove an applicant as an eligible small employer for the insure Montana program; and

(4) seek a waiver under 42 U.S.C. 18052 for flexibility and relief from certain requirements of the Patient Protection and Affordable Care Act, enacted as Public Law 111-148 and Public Law 111-152."

Section 11. Section 33-22-2006, MCA, is amended to read:

"**33-22-2006.** ~~**Premium incentive payments, premium assistance payments, and**~~

~~**tax credits for small employer health insurance premiums paid -- eligibility for small group coverage -- amounts**~~ **Eligibility for insure Montana program -- maximum amount of premium incentive payment.** (1) An employer is eligible to apply for premium incentive payments ~~and premium assistance payments or a tax credit~~ under this part if the employer and any related employers:

(a) did not have more than the number of employees established for eligibility by the commissioner at the time of registering for premium incentive payments ~~or premium assistance payments or a tax credit~~ under 33-22-2008;

(b) ~~provide~~ pay or will ~~provide a~~ pay 100% of the premium for a group health plan ~~that meets the requirements of creditable coverage~~ issued on or after January 1, 2016, and approved by the commissioner. The group health plan must provide coverage for all of the employer's and any related employer's employees who are eligible for the group health plan~~;~~.

(c) do not have delinquent state tax liability owing to the department of revenue from previous years; ~~and~~

(d) have been registered as eligible small employer participants by the commissioner as provided in 33-22-2008~~.~~

~~(2) In addition to the requirements in subsection (1), a small employer is eligible to apply for a tax credit under this part if the small employer and any related employers~~; and

(e) do not have any employees, not including an owner, partner, or shareholder of the business, who received more than $75,000 in wages, as defined in 39-71-123, from the small employer or related employer in the prior tax year.

~~(3) In addition to the requirements of subsections (1) and (2), an owner, partner, or shareholder of an eligible small employer who received more than $75,000 in wages, as defined in 39-71-123, and those individuals' spouses who are employees are not eligible under this chapter for a tax credit for group health plan premiums paid by the eligible small employer for group health plan coverage for the individual or the individual's dependents.~~

~~(4) In addition to the requirements in subsection (1), an owner or employee is not eligible to apply for a premium assistance payment under this part if the owner or employee has a household income greater than 400% of the federal poverty level for the year in which an application or application renewal is made.~~

~~(5)~~(2) Subject to the requirements of subsection (4), the ~~small business health insurance pool~~ commissioner may authorize a premium incentive payment for the premium ~~share~~ paid by an eligible small employer and related employers for a group health plan for:

(a) ~~the owner or employee~~ all employees of the eligible small employer and related employers eligible for the group health plan;

(b) ~~a spouse of an~~ any owner ~~or employee provided for in subsection (5)(a); or~~

~~(c) dependents of the owner or employee provided for in subsection (5)(a)~~ of the eligible small employer and related employers if they are also members of the same group health plan.

~~(6) An employee, including an owner, partner, or shareholder or any dependent of an employee, who is also eligible for the children's health insurance program provided for under Title 53, chapter 4, part 10, or medicaid under Title XIX of the Social Security Act may become ineligible to receive a premium assistance payment.~~

~~(7)~~(3) The commissioner ~~shall~~ may establish, by rule, the maximum number of employees that an employer may employ to be qualified as an eligible small employer under subsection (1). The maximum number may be ~~different for eligible small employers seeking~~

~~premium incentive payments and premium assistance payments than for eligible small employers seeking a tax credit. The number must be set to maximize the number of employees receiving coverage under this part~~ less than or equal to 25 but not more than 25. The commissioner may not change the maximum employee number more often than every ~~6~~ 12 months. If the maximum number of allowable employees is changed, the change does not disqualify a registered eligible small ~~employers with respect to the tax year for which the eligible small employer has registered~~ employer until the eligible small employer reapplies for the insure Montana program.

~~(8) Except as provided in subsection (3), an eligible small employer may claim a tax credit in the following amounts:~~

~~(a) (i) not more than $100 each month for each employee and $100 each month for each employee's spouse, if the eligible small employer covers the employee's spouse, if the average age of the group is under 45 years of age; or~~

~~(ii) not more than $125 each month for each employee and $100 each month for each employee's spouse, if the eligible small employer covers the employee's spouse, if the average age of the group is 45 years of age or older; and~~

~~(b) not more than $40 each month for each dependent, other than the employee's spouse, if the eligible small employer is paying for coverage for the dependents, not to exceed two dependents of an employee in addition to the employee's spouse.~~

~~(9) An eligible small employer may not claim a tax credit:~~

~~(a) in excess of 50% of the total premiums paid by the eligible small employer for the qualifying small group;~~

~~(b) for premiums paid from a medical care savings account provided for in Title 15, chapter 61; or~~

~~(c) for premiums for which a deduction is claimed under 15-30-2131 or 15-31-114.~~

~~(10)~~(4) An eligible small employer may not claim a premium incentive payment in excess of 50% of the total premiums paid by the eligible small employer for the qualifying small group."

Section 12. Section 33-22-2007, MCA, is amended to read:

"**33-22-2007. Filing for ~~tax credit -- filing for~~ premium incentive payments ~~and premium assistance payments~~.** (1) An eligible small employer may~~:~~

~~(a) apply the tax credit against taxes due for the current tax year on a return filed pursuant to Title 15, chapter 30 or 31; or~~

~~(b)~~ apply to receive monthly premium incentive payments ~~and premium assistance payments~~ to be applied to premiums for group health plans. ~~coverage obtained through the purchasing pool or qualified association health plan coverage approved by the commissioner.~~

~~(2) An eligible small employer may not, in the same tax year, apply the tax credit against taxes due for the current tax year as provided for in subsection (1)(a) and receive premium incentive payments as provided for in subsection (1)(b).~~

~~(3) The premium incentive payments and premium assistance payments provided for in subsection (1)(b) must be paid pursuant to a plan of operation implemented by the board and any applicable administrative rules.~~

~~(4) (a) If an eligible small employer's tax credit as provided in subsection (1)(a) exceeds the employer's liability under 15-30-2103 or 15-31-121, the amount of the excess must be refunded to the eligible small employer. The tax credit may be claimed even if the eligible small~~

~~employer has no tax liability under 15-30-2103 or 15-31-121.~~

~~(b) A tax credit is not allowed under 15-30-2367, 15-31-132, or any other provision of Title 15, chapter 30 or 31, with respect to any amount for which a tax credit is allowed under this part.~~

~~(5)~~(2) The ~~department of revenue or the~~ commissioner may grant a reasonable extension for filing a claim for premium incentive payments ~~or premium assistance payments or a tax credit~~ whenever, in the ~~department's or the~~ commissioner's judgment, good cause exists. The ~~department of revenue and the~~ commissioner shall keep a record of each extension and the reason for granting the extension.

~~(6)~~(3) (a) If an employer that would have a claim under this part ceases doing business before filing the claim, the representative of the employer who ~~files the tax return or~~ pays the premium may file the claim.

(b) If a corporation that would have a claim under this part merges with or is acquired by another corporation and the merger or acquisition makes the previously eligible corporation ineligible for the premium incentive payments~~, premium assistance payments, or tax credit~~ in the future, the surviving or acquired corporation may file for the premium incentive payments~~, premium assistance payments, or tax credit~~ for any claim period during which the former eligible corporation remained eligible.

(c) If an employer that would have a claim under this part files for bankruptcy protection, the receiver may file for the premium incentive payments~~, premium assistance payments, or tax credit~~ for any claim period during which the employer was eligible."

Section 13. Section 33-22-2008, MCA, is amended to read:

"**33-22-2008. Registration -- funding limitations -- ~~transfers --~~ maximum number -- waiting list ~~-- information transfer for tax credits~~.** (1) (a) ~~Each~~ A prospective participating small employer and any previously eligible small employer that proposes to apply for premium incentive payments ~~and premium assistance payments or a tax credit~~ under this part must be registered each year with the commissioner.

(b) An eligible small employer may submit a new application for the premium incentive payments ~~and premium assistance payments or the tax credit anytime during the year~~, but in order to maintain the employer's registration for the next year, the registration application must be renewed each year according to a procedure established by the commissioner by rule.

(c) The registration application must include the number of ~~individuals~~ employees ~~covered, as of the date of the registration application, under the small group health plan~~ for ~~which~~ whom the employer is seeking premium incentive payments ~~and premium assistance payments or a tax credit~~. If, after the initial registration, the number of ~~individuals~~ employees increases, the employer may apply to register the additional ~~individuals~~ employees, but those additional ~~individuals~~ employees may be added only at the discretion of the commissioner, who shall limit enrollment based on available funds.

(d) A small employer is not eligible to apply for premium incentive payments ~~and premium assistance payments or a tax credit~~ for a number of employees~~, or the employees' spouses or dependents,~~ over the number that has been established in 33-22-2006 as the maximum number of employees a small employer may have in order to qualify for registration for the time period in question, except that a small employer applying for a premium incentive payment under the insure Montana program may apply prior to January 1, 2016, for the number

of employees determined by the commissioner by rule to be eligible for the insure Montana program. The premium incentive payments may not be received prior to January 1, 2016.

(e) A small employer's registration for premium incentive payments ~~and premium assistance payments or a tax credit~~ is irrevocable for 12 months or until the ~~purchasing pool group health plan or qualified association health plan renews its registration~~ eligible small employer renews the group health plan, whichever time period is less. An eligible small employer may choose to discontinue receiving any premium incentive payments ~~and premium assistance payments or tax credits~~ at any time.

(2) The commissioner shall register qualifying eligible small employers in the order in which applications are received ~~and according to whether the application is for premium incentive payments and premium assistance payments or a tax credit. Initially, 60% of the available funding must be dedicated to provide and maintain premium incentive payments and premium assistance payments for eligible small employers who chose to join the purchasing pool or a qualified association health plan and 40% of the available funding must be dedicated to tax credits for eligible small employers who currently sponsor a small group health plan that provides creditable coverage. Funding may be transferred from the allocated fund for premium incentive payments and premium assistance payments to the general fund for tax credits or from the funds allocated for tax credits to the allocated fund for premium incentive payments and premium assistance payments if the board requests the transfer as provided in 33-22-2004 and the commissioner approves the request~~.

(3) In determining which small employers may participate in the program, the commissioner shall give priority to eligible small employers who are already members of the insure Montana program and who have timely reapplied.

~~(3)~~(4) ~~(a)~~ The maximum number of eligible small employers is reached when the anticipated amount of claims for premium incentive payments ~~and premium assistance payments and tax credits~~ has reached 100% of the ~~amount of money allocated for premium incentive payments and premium assistance payments and tax credits~~ funding available for the insure Montana program.

~~(b)~~(5) The commissioner may establish a waiting list for applicants that are otherwise qualified for registration but cannot be registered because of a lack of ~~money~~ funding or because the maximum number of eligible small employers has been reached.

~~(c)~~(6) The commissioner shall mail to each employer registered under this section a notice of registration containing a unique registration number ~~and indicating eligibility for either premium incentive payments and premium assistance payments or a tax credit~~. The commissioner shall also issue to each employer that is eligible for premium incentive payments ~~and premium assistance payments or the tax credit~~ a certificate, placard, sticker, or other evidence of participation that may be publicly posted.

~~(d)~~(7) The commissioner shall notify all persons who applied for registration and who were not accepted that they were not registered and the reason that they were not registered.

~~(4)~~(8) A prospective participant shall apply for registration on a form and within the timeframe provided by the commissioner by rule. The prospective participant shall:

(a) provide the number of employees and whether the employer qualifies under 33-22-2006;

(b) provide information that is necessary to estimate the amount of the premium incentive payments ~~and premium assistance payments~~ payable to the applicant ~~or the amount of the tax credit available to the applicant, such as the ages of employees or dependents,~~

~~relationships of employees' dependents, and information required by the department of public health and human services for determination of eligibility for premium assistance payments matched by federal funds;~~

~~(c) indicate whether the prospective employer intends to pursue the claim as a tax credit through the income tax process or through premium incentive payments and premium assistance payments to be applied toward purchasing pool or eligible qualified association health plan coverage~~; and

~~(d)~~(c) provide any additional information determined by the commissioner to be necessary to support an application.

~~(5) Each year, an eligible small employer shall timely reregister with the commissioner in order to determine the participant's continued eligibility. The commissioner shall accept applications for continued registration:~~

~~(a) for purchasing pool participants at any time within 12 months of the initial registration approval or within the time period for renewal of the coverage under this part, whichever is longer;~~

~~(b) for tax credit participants on December 1 of each year. The commissioner shall stop accepting renewal applications for tax credit participants 60 calendar days later.~~

~~(6) The commissioner shall transmit to the department of revenue, at least annually, a list of eligible small employers that are taxpayers entitled to the tax credit and shall specify the taxpayer's name and tax identification number, the tax year to which the credit applies, and the amount of the credit, and whether the credit is to be applied against taxes due on the taxpayer's return or paid as premium incentive payments or premium assistance payments. Unless there has been a finding of fraud or misrepresentation on the part of the taxpayer regarding issues relating to eligibility for the tax credit, the department of revenue may not redetermine or change the commissioner's determination regarding the taxpayer's entitlement to and amount of the tax credit.~~

~~(7) If the department of public health and human services receives approval for a section 1115 waiver as provided in 53-2-216, the commissioner shall work with the department of public health and human services with regard to eligibility determinations as required by federal law or waiver conditions.~~"

Section 14. Section 33-22-2009, MCA, is amended to read:

"**33-22-2009. Penalties.** (1) The commissioner may, after providing an opportunity for a hearing pursuant to 33-1-701, impose the penalties provided for in 33-1-317 for a violation of this part. Failure to pay a fine under this section results in a lien upon the assets and property of that person in this state and may be recovered by suit by the commissioner and deposited in the special revenue account described in 53-6-1201.

(2) In addition to any penalty provided for in 33-1-317, the commissioner may require a person violating this part to make full restitution to the state, including interest of 10% a year from the date of loss, if a violation of this part caused a ~~premium incentive payment or premium assistance payment to be paid or a tax credit~~ premium incentive payment to be issued to a person who was not entitled to it.

(3) A person who purposely or knowingly violates this part and receives a premium incentive payment ~~or premium assistance payment or tax credit~~ that the person is not entitled to receive commits the offense of theft, which is punishable as provided in 45-6-301.

(4) A person who purposely or knowingly violates this part and makes false statements, knowing those statements are not true, commits the offense of unsworn falsification to authorities, which is punishable as provided in 45-7-203.

(5) Any fines or restitution collected pursuant to this section must be deposited in the special revenue account in 53-6-1201 and dedicated to the payment of premium incentive payments ~~and premium assistance payments or tax credits~~ or funding new programs to assist eligible small employers with the cost of providing health insurance benefits."

Section 15. Section 45-6-301, MCA, is amended to read:

"**45-6-301. Theft.** (1) A person commits the offense of theft when the person purposely or knowingly obtains or exerts unauthorized control over property of the owner and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) A person commits the offense of theft when the person purposely or knowingly obtains by threat or deception control over property of the owner and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(3) A person commits the offense of theft when the person purposely or knowingly obtains control over stolen property knowing the property to have been stolen by another and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(4) A person commits the offense of theft when the person purposely or knowingly obtains or exerts unauthorized control over any part of any public assistance provided under Title 52 or 53 by a state or county agency, regardless of the original source of assistance, by means of:

(a) a knowingly false statement, representation, or impersonation; or

(b) a fraudulent scheme or device.

(5) A person commits the offense of theft when the person purposely or knowingly obtains or exerts or helps another obtain or exert unauthorized control over any part of any benefits provided under Title 39, chapter 71, by means of:

(a) a knowingly false statement, representation, or impersonation; or

(b) deception or other fraudulent action.

(6) (a) A person commits the offense of theft when the person purposely or knowingly commits insurance fraud as provided in 33-1-1202 or 33-1-1302;

(b) purposely or knowingly diverts or misappropriates insurance premiums as provided in 33-17-1102; or

(c) purposely or knowingly receives small business ~~health insurance~~ premium incentive payments ~~or premium assistance payments or tax credits~~ under Title 33, chapter 22, part 20, to which the person is not entitled.

(7) A person commits the offense of theft of property by embezzlement when, with the purpose to deprive the owner of the property, the person:

(a) purposely or knowingly obtains or exerts unauthorized control over property of the person's employer or over property entrusted to the person; or

(b) purposely or knowingly obtains by deception control over property of the person's employer or over property entrusted to the person.

(8) (a) Except as provided in subsection (8)(b), a person convicted of the offense of theft of property not exceeding $1,500 in value shall be fined an amount not to exceed $1,500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a second offense shall be fined $1,500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a third or subsequent offense shall be fined $1,500 and be imprisoned in the county jail for a term of not less than 30 days or more than 6 months.

(b) (i) Except as provided in subsection (8)(c), a person convicted of the offense of theft of property exceeding $1,500 in value or theft of any amount of anhydrous ammonia for the purpose of manufacturing dangerous drugs shall be fined an amount not to exceed $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

(ii) A person convicted of the theft of any commonly domesticated hoofed animal shall be fined an amount of not less than $5,000 or more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. If a prison term is deferred, the court shall order the offender to perform 416 hours of community service during a 1-year period, in the offender's county of residence. In addition to the fine and imprisonment, the offender's property is subject to criminal forfeiture pursuant to 45-6-328 and 45-6-329.

(c) A person convicted of the offense of theft of property exceeding $10,000 in value by embezzlement shall be imprisoned in a state prison for a term of not less than 1 year or more than 10 years and may be fined an amount not to exceed $50,000. The court may, in its discretion, place the person on probation with the requirement that restitution be made under terms set by the court. If the terms are not met, the required prison term may be ordered.

(9) Amounts involved in thefts committed pursuant to a common scheme or the same transaction, whether from the same person or several persons, may be aggregated in determining the value of the property."

Section 16. Section 53-2-217, MCA, is amended to read:

"**53-2-217. Contingency on expenditure.** Title 33, chapter 22, part 20, may not be construed to require implementation or ongoing operation of the programs in 53-6-1201(3)(d) through ~~(3)(g)~~ (3)(f) without a line item appropriation in the general appropriations bill included for that purpose."

Section 17. Section 53-6-1201, MCA, is amended to read:

"**53-6-1201. Special revenue fund -- health and medicaid initiatives.** (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human

services.

(2) There must be deposited in the account:

(a) money from cigarette taxes deposited under 16-11-119(1)(d);

(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-119(3)(b); and

(c) any interest and income earned on the account.

(3) This account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to administer the plan and maximize enrollment of eligible children under the healthy Montana kids plan, provided for under Title 53, chapter 4, part 11, and to provide outreach to the eligible children;

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under any existing program;

(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.

(d) an offset to loss of revenue to the general fund as a result of ~~new tax credits~~ premium incentive payments to eligible small employers;

(e) funding new programs to assist eligible small employers with the costs of providing health insurance benefits to eligible employees; and

(f) the cost of administering the insure Montana small business ~~tax credit, the purchasing pool, and the~~ premium incentive ~~payments and premium assistance payments~~ program as provided in Title 33, chapter 22, part 20~~; and~~

~~(g) providing a state match for the medicaid program for premium incentive payments or premium assistance payments to the extent that a waiver is granted by federal law as provided in 53-2-216~~.

(4) ~~(a)~~ On or before July 1, the budget director shall calculate a balance required to sustain each program in subsection (3) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the agencies may expend the revenue for the programs as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify each agency. Upon receipt of the notification, the agency shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

~~(b) Until the programs or credits described in subsections (3)(b) and (3)(d) through (3)(g) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).~~

(5) The phrase "trended traditional level of appropriation", as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(6) The department of public health and human services may adopt rules to implement this section."

NEW SECTION. **Section 18. Repealer.** The following sections of the Montana Code

Annotated are repealed:
33-22-2003. Board of directors -- composition -- appointment -- compensation.
33-22-2004. Powers and duties of board.
53-2-216. Health insurance premium assistance -- legislative intent -- application for section 1115 waiver -- duties of board of directors of small business health insurance pool, commissioner of insurance, and department of public health and human services.

NEW SECTION. **Section 19. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 20. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 21. Effective dates -- applicability.** (1) Except as provided in subsection (2), [this act] is effective January 1, 2016.

(2) [Sections 7, 13, 19, and 20] and this section are effective July 1, 2015, and apply to the premium incentive payments for group health plans that begin on or after January 1, 2016.

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford.
Total 16

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb.
Total 30

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

SB 99 - Thereupon, the Senate reverted to the original motion of Senator Cohenour which passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.

Total 39

Nays: Caferro, Facey, Malek, Phillips, Sands, Sesso, Stewart-Peregoy, Whitford.
Total 8

Paired: , Ms. President, Aye; Caferro, No.

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken.
Total 3

SB 31 - **House Amendments** - Senator Whitford moved House amendments to **SB 31** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vance, Vuckovich, Whitford.
Total 33

Nays: Blasdel, Brenden, D. Brown, Hinkle, Jones, Kary, Pomnichowski, Ripley, Sales, Smith, Thomas, Vincent, Webb.
Total 13

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

SB 74 - **House Amendments** - Senator Moe moved House amendments to **SB 74** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 348 - Senator C. Smith moved **HB 348** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 20

Paired: Fielder, Ms. President, Aye; Caferro, Windy Boy, No.

Absent or not voting: None.
Total 0

Excused: Swandal, Wolken.
Total 2

SB 259 - Senator Tutvedt moved **SB 259** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford.
Total 33

Nays: Brenden, Hansen, Hinkle, Howard, Kary, Keenan, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy.
Total 14

Paired: Fielder, Aye; Windy Boy, No.

Absent or not voting: None.
Total 0

Excused: Swandal, Wolken, Ms. President.
Total 3

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Pro Tempore Moore presiding. Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 44

Nays: Cohenour, Sesso.
Total 2

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 312 passed as follows:

Yeas: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford.
Total 30

Nays: Arntzen, Blasdel, D. Brown, Fielder, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb.
Total 16

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

SB 387 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb.
Total 30

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford.
Total 16

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 36 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 164 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 226 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 270 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 289 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford.
Total 40

Nays: Blasdel, Facey, Rosendale, Sales, Smith, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 334 concurred in as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford.
Total 34

Nays: Arntzen, D. Brown, Fielder, Hinkle, Howard, Kary, Rosendale, Sales, Smith, Vance, Vincent, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 422 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Webb, Whitford.
Total 32

Nays: Brenden, Fielder, Hansen, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent.
Total 14

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 429 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 43

Nays: Blasdel, Ripley, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 507 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

HB 513 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Windy Boy, Wolken, Ms. President.
Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:00 a.m., Saturday, March 21, 2015, the fifty-ninth legislative day. Motion carried.

Senate adjourned at 1:43 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 21, 2015 — State Capitol

Senate convened at 8:00 a.m. President Pro Tempore Moore presiding. Invocation by Senator Connell. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, President Debby Barrett and Senator Windy Boy, excused. Quorum present.

BILLS AND JOURNALS: 3/21/2015
Correctly printed: **SB 99**, **SB 259**, **SB 391**, **SB 408**, **SB 409**, **SB 410**, **SB 411**, **SJ 22**, **HB 33**, **HB 34**, **HB 35**, **HB 44**, **HB 47**, **HB 99**, **HB 111**, **HB 117**, **HB 272**, **HB 297**, **HB 315**, **HB 348**, **HB 573**.
Correctly engrossed: **SJ 18**.
Examined by the sponsor and found to be correct: **SB 21**, **SB 22**, **SB 39**, **SB 41**, **SB 60**, **SB 94**, **SB 97**, **SB 124**, **SB 131**, **SB 151**, **SB 152**, **SB 241**.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair): 3/20/2015
SJ 18, introduced joint resolution, be amended as follows:

1. Page 2, line 20.
Following: "resources"
Insert: "and coordinate with the state librarian"

2. Page 2.
Following: line 26
Insert: "BE IT FURTHER RESOLVED, that the study and development of any findings or conclusions include the participation of the state librarian."

And, as amended, be adopted. Report adopted.

HB 39, be concurred in. Report adopted.
HB 40, be concurred in. Report adopted.
HB 49, be concurred in. Report adopted.
HB 168, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 20, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Aeronautics
MCA 2-15-2506

! Mr. Robert F. Buckles, 1037 Boylan Road, #10, Bozeman, MT 59715, was reappointed to serve a term starting March 20, 2015 and ending January 1, 2017. Mr. Buckles fulfills the qualifications of representative of interstate commercial airline operators for the Board.

! Mr. Daniel Hargrove, 5420 Bobby Jones Blvd, Billings, MT 59106, was appointed to serve a term starting March 20, 2015 and ending January 1, 2017. Mr. Hargrove fulfills the qualifications of engaged in aviation education in this state for the Board.

Board of Dentistry
MCA 2-15-1732

! Dr. George Johnston, 4325 Old Stage Road, Dillon, MT 59725, was reappointed to serve a term starting March 29, 2015 and ending April 1, 2020. Mr. Johnston fulfills the qualifications of Licensed Dentist for the Board.

Board of Nursing Home Administrators
MCA 2-15-1735

! Ms. Kathryn R. Beaty, PO Box 412, Hamilton, MT 59840, was reappointed to serve a term starting May 28, 2015 and ending June 1, 2020. Ms. Beaty fulfills the qualifications of Nursing Home Administrator for the Board.

Board of Oil and Gas Conservation
MCA 2-15-3303

! Mr. Steven D. Durrett, 2016 Grand Ave, Billings, MT 59102, was appointed to serve a

term starting March 20, 2015 and ending January 1, 2019. Mr. Durrett fulfills the qualifications of Oil and gas industry representative for the Board.

! Mr. Ronald S. Efta, PO Box 300, Wibaux, MT 59353, was reappointed to serve a term starting March 20, 2015 and ending January 1, 2019. Mr. Efta fulfills the qualifications of Attorney for the Board.

! Mr. Paul Edward Gatzemeier, 7256 Highway 3, Billings, MT 59106, was appointed to serve a term starting March 20, 2015 and ending January 1, 2019. Mr. Gatzemeier fulfills the qualifications of landowner residing in oil or gas producing county, but not involved in industry, who does not own mineral rights for the Board.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/20/2015

HB 2, introduced by N. Ballance

MOTIONS

Majority Leader Rosendale moved HB 474 be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection so ordered.

Majority Leader Rosendale moved HB 244 be taken from the second-reading agenda and passed for the day. Without objection so ordered.

Senator Vincent moved HB 446 be taken from the second-reading agenda and passed for the day. Without objection so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 23, introduced by J. Keane, referred to Energy and Telecommunications.

The following House bill was introduced, read first time, and referred to committee:

HB 2, introduced by N. Ballance (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 118 - Senator Moe moved consideration of HB 118 and HB 180 be passed for the day. Without objection so ordered.

HB 240 - Senator Thomas moved HB 240 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 306 - Senator Whitford moved HB 306 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Wolken.
Total 33

Nays: Brenden, T. Brown, Fielder, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Vance, Vincent, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 481 - Senator Connell moved HB 481 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 252 - Senator McNally moved HB 252 be concurred in. Motion failed as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Pomnichowski, Rosendale, Sands, Sesso, Swandal, Tutvedt, Whitford.
Total 24

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Hinkle, Howard, Jones, Kary, Moore, Phillips, Ripley, Sales, Smith, Stewart-Peregoy, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 252 - Senator Rosendale moved HB 252 be indefinitely postponed. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hinkle, Howard, Jones, Kary, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Wolken.
Total 29

Nays: Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hoven, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Tutvedt, Whitford.
Total 19

Absent or not voting: None.

Total 0

Excused: Windy Boy, Ms. President.
Total 2

HJ 11 - Senator Driscoll moved HJ 11 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb.
Total 35

Nays: Barrett Dick, Caferro, Facey, Kaufmann, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Whitford, Wolken.
Total 13

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 450 - Senator Fielder moved HB 450 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb.
Total 30

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 60 - Senator Sands moved HB 60 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Wolken.
Total 40

Nays: Blasdel, Fielder, Howard, Kary, Moore, Rosendale, Smith, Webb.

Total 8

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 204 - Senator Swandal moved HB 204 be concurred in.

HB 204 - Senator Swandal moved HB 204, second reading copy, be amended as follows:

1. Page 2, line 21.
Strike: "are"
Insert: "may be"

2. Page 2, line 22.
Following: "injuries"
Insert: "or damages resulting from risks inherent in the sport or recreational opportunity or for any injuries or damages"

3. Page 2, line 23.
Strike: "or for injuries" through "opportunity"
Insert: "that are the result of the provider's failure to exercise reasonable care"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 46

Nays: Hoven, Moore.
Total 2

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 204 - As amended, concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.

Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 367 - Senator McNally moved HB 367 be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Wolken.
Total 32

Nays: Arntzen, Blasdel, Brenden, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Webb.
Total 16

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 504 - Senator Tutvedt moved HB 504 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 39

Nays: D. Brown, Fielder, Hinkle, Kary, Keenan, Rosendale, Smith, Taylor, Vance.
Total 9

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 523 - Senator Buttrey moved HB 523 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll,

Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Wolken.
Total 42

Nays: Brenden, Ripley, Sales, Vance, Vincent, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 69 - Senator Driscoll moved HB 69 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Wolken.
Total 37

Nays: Blasdel, Brenden, Fielder, Moore, Ripley, Sales, Smith, Thomas, Vance, Vincent, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 198 - Senator Hinkle moved HB 198 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken.
Total 43

Nays: Driscoll, Malek, Moe, Stewart-Peregoy, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 372 - Senator T. Brown moved HB 372 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 392 - Senator Blasdel moved HB 392 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Moore presiding.

Senator McNally moved HB 252 be segregated from the Committee of the Whole report. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Swandal, Taylor, Tutvedt, Whitford, Wolken.
Total 32

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Kary, Moore, Rosendale, Sales, Smith, Stewart-Peregoy, Thomas, Vance, Vincent, Vuckovich, Webb.
Total 16

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

Chair Facey moved the remainder of the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Wolken.
Total 40

Nays: Kary, Rosendale, Sales, Smith, Stewart-Peregoy, Vance, Webb, Whitford.
Total 8

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 99 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb.
Total 40

Nays: Caferro, Facey, Phillips, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 8

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

SB 259 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey,

Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 31

Nays: Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Ripley, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb.
Total 17

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

SB 31, as amended by the House, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Wolken.
Total 46

Nays: Smith, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

SB 74, as amended by the House, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 44 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 117 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 47

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 207 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 47

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 318 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Wolken.
Total 28

Nays: Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hansen, Hinkle, Jones, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb.
Total 20

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

HB 348 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Windy Boy, Ms. President.
Total 2

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

Senator Moe arose on a point of personal privilege to urge the body to exercise restraint when discussing professional designations obtained after considerable time and effort.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Monday, March 23, 2015, the sixtieth legislative day. Motion carried.

Senate adjourned at 9:20 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 23, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 3/23/2015
Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-sixth through the fiftieth legislative days, find the same to be correct.

Correctly printed: **SJ 23**, **HB 39**, **HB 40**, **HB 49**, **HB 60**, **HB 69**, **HB 168**, **HB 198**, **HB 306**, **HB 450**, **HB 481**, **HB 504**, **HB 523**, **HJ 11**.
Correctly engrossed: **SR 3**, **SR 13**, **HB 204**, **HB 240**, **HB 367**, **HB 372**, **HB 392**.
Transmitted to the House: **SB 99**, **SB 259**, **SB 312**, **SB 387**, **HB 36**, **HB 44**, **HB 117**, **HB 164**, **HB 207**, **HB 226**, **HB 270**, **HB 289**, **HB 318**, **HB 334**, **HB 348**, **HB 422**, **HB 429**, **HB 507**, **HB 513**.
Signed by the Secretary of the Senate at 4:30 p.m., March 21, 2015: **SB 21**, **SB 22**, **SB 39**, **SB 41**, **SB 60**, **SB 94**, **SB 97**, **SB 124**, **SB 131**, **SB 151**, **SB 152**, **SB 241**.
Signed by the President at 2:45 p.m., March 23, 2015: **SB 21**, **SB 22**, **SB 39**, **SB 41**, **SB 60**, **SB 94**, **SB 97**, **SB 124**, **SB 131**, **SB 151**, **SB 152**, **SB 241**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/17/2015
SR 3, introduced joint resolution, be amended as follows:

1. Title, page 1, line 6.
Strike: "COMMUNICATIONS"
Insert: "COMMUNICATION"
Following: "DATED"
Strike: remainder of line 6

2. Page 1, line 9 through page 2, line 4.
Strike: everything after the title
Insert: "WHEREAS, the Governor of the State of Montana has made the appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:
(1) As a member of the Board of Hail Insurance, in accordance with section 2-15-3003, MCA:
Gary Gollehon, Brady, Montana, appointed to a term ending May 1, 2017.
(2) As members of the Livestock Loss Board, in accordance with section 2-15-3110, MCA:

Elaine Allestad, Big Timber, Montana, appointed to a term ending January 1, 2019.
James Cross, Kalispell, Montana, appointed to a term ending January 1, 2017.
Larry Trexler, Hamilton, Montana, appointed to a term ending January 1, 2019.
Seth Wilson, Missoula, Montana, appointed to a term ending January 1, 2017.
(3) As members of the Board of Milk Control, in accordance with section 2-15-3105, MCA:
James Parker, Fairfield, Montana, appointed to a term ending January 1, 2017.
Erik Somerfeld, Power, Montana, appointed to a term ending January 1, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 64th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above appointments and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA."

And, as amended, be adopted. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 3/17/2015
SR 13, introduced resolution, be amended as follows:

1. Page 1, line 13.
Strike: line 13 in its entirety

And, as amended, be adopted. Report adopted.

MESSAGES FROM THE GOVERNOR

March 23, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Monday, March 23, 2015, I signed the following bills:

Senate Bill 49 - J. Keane
Senate Bill 56 - B. Hamlett
Senate Bill 111 - D. Ankney

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MOTIONS

Majority Leader Rosendale moved **SB 397** be taken from the second-reading agenda and passed for the day. Without objection, so ordered.

Senator Vincent moved **HB 446** be taken from the second-reading agenda and passed to Wednesday, March 25, 2015, the 62nd legislative day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 412, introduced by L. Jones, referred to Education and Cultural Resources.
SB 413, introduced by E. Arntzen, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brenden in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 118 - Senator Facey moved **HB 118** be concurred in.

HB 118 - Senator Facey moved **HB 118**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through line 9.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"
Strike: "A RETROACTIVE"
Insert: "AN"

2. Page 5, line 30.
Strike: "on passage and approval"

Insert: "January 1, 2016"

3. Page 6, line 2 through line 5.
Strike: section 12 in its entirety
Insert: "NEW SECTION. **Section 12. Applicability.** [This act] applies to insurance policies issued or renewed on or after January 1, 2016."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 118 - Senator Facey moved **HB 118**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 180 - Senator Windy Boy moved **HB 180** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 244 - Senator Ankney moved **HB 244** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 31

Nays: Barrett Dick, D. Brown, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Tutvedt, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 252 - Senator McNally moved **HB 252** be concurred in. Motion carried as follows:

Yeas: Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 34

Nays: Ankney, Arntzen, Brenden, Fielder, Hinkle, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 42 - **House Amendments** - Senator Malek moved House amendments to **SB 42** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Kary, Rosendale, Sales, Smith, Vance, Vincent.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Moe excused at this time.

SB 109 - **House Amendments** - Senator Swandal moved House amendments to **SB 109** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Ripley, Sales, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: Moe.

Total 1

SB 126 - **House Amendments** - Senator Webb moved House amendments to **SB 126** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 35

Nays: Barrett Dick, Caferro, Cohenour, Kaufmann, Larsen, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 24 - Senator Webb moved **HB 24** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Hinkle, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 33 - Senator Caferro moved **HB 33** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt,

Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 34 - Senator Caferro moved **HB 34** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 35 - Senator Windy Boy moved **HB 35** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 47 - Senator Webb moved **HB 47** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Hinkle, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Brenden moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 60 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, McNally, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 36

Nays: Blasdel, D. Brown, Fielder, Howard, Kary, Malek, Moore, Rosendale, Smith, Swandal, Vincent, Webb, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 69 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 38

Nays: Blasdel, Brenden, Fielder, Malek, Moore, Ripley, Sales, Smith, Vance, Vincent, Ms. President.
Total 11

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 198 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 46

Nays: Stewart-Peregoy, Whitford, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 240 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 306 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Vance, Vincent, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 367 concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Webb, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 372 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 392 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 450 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 481 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 504 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Brenden, Fielder, Hinkle, Kary, Rosendale, Smith, Taylor, Vance, Vincent, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HB 523 concurred in as follows:

Yeas: Ankney, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Arntzen, Brenden, D. Brown, Ripley, Sales, Vance, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

HJ 11 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 35

Nays: Barrett Dick, Caferro, Facey, Kaufmann, Larsen, Malek, McNally, Phillips, Pomnichowski,

Sands, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: Moe.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the coming week:

Lauren Frieling from Huntley, sponsored by Senator Taylor Brown
Wilson Harris from Billings, sponsored by Senator Webb
Seth Jaksha from Butte, sponsored by Senator Sesso
Remington Janeway from Polson, sponsored by Senator Taylor
Hailey Kellum from Roundup, sponsored by Senator Ankney
Jacelyn Stewart from Dillon, sponsored by President Barrett

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, March 24, 2015, the sixty-first legislative day. Motion carried.

Senate adjourned at 2:05 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 24, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 3/24/2015
Correctly printed: **SB 412**, **SB 413**, **HB 24**, **HB 33**, **HB 34**, **HB 35**, **HB 47**, **HB 180**, **HB 244**.
Correctly engrossed: **SJ 21**, **HB 118**, **HB 252**.
Correctly enrolled: **SB 31**, **SB 74**.
Examined by the sponsor and found to be correct: **SB 31**, **SB 74**.
Transmitted to the House: **HB 60**, **HB 69**, **HB 198**, **HB 240**, **HB 306**, **HB 367**, **HB 372**, **HB 392**, **HB 450**, **HB 481**, **HB 504**, **HB 523**, **HJ 11**.
Signed by the Secretary of the Senate at 4:00 p.m., March 24, 2015: **SB 31**, **SB 74**.
Signed by the President at 4:10 p.m., March 24, 2015: **SB 31**, **SB 74**.
Signed by the Speaker at 4:05 p.m., March 23, 2015: **SB 21**, **SB 22**, **SB 39**, **SB 41**, **SB 60**, **SB 94**, **SB 97**, **SB 124**, **SB 131**, **SB 151**, **SB 152**, **SB 241**.
Delivered to the Governor at 11:10 a.m., March 24, 2015: **SB 21**, **SB 22**, **SB 39**, **SB 41**, **SB 60**, **SB 94**, **SB 97**, **SB 124**, **SB 131**, **SB 151**, **SB 152**, **SB 241**.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Taylor, Chair): 3/23/2015
SJ 20, do pass. Report adopted.
SJ 21, introduced joint resolution, be amended as follows:

1. Page 3.
Following: line 4
Insert: "BE IT FURTHER RESOLVED, that the interim committee to which the study is assigned prioritize the areas of study."

And, as amended, do pass. Report adopted.

HB 555, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 3/23/2015
SB 20, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 3/23/2015

HB 85, introduced by T. Woods
HB 100, introduced by F. Garner
HB 102, introduced by R. Pinocci
HB 319, introduced by A. Olszewski

MOTIONS

Majority Leader Rosendale moved to appoint a Conference Committee on **SB 126** and request the House to appoint a like committee. Motion carried. President Barrett appointed Senator Webb, Chair, Senator Facey and Senator Hansen.

Senator T. Brown moved **SB 410** and **SB 412** be re-referred from the Education and Cultural Resources Committee to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Rosendale moved **SB 405** and **SB 411** be re-referred from the Public Health, Welfare and Safety Committee to the Finance and Claims Committee, and that **HB 337** be re-referred from the second reading board to the Finance and Claims Committee. Without objection, so ordered.

Senator Swandal moved **HB 447** be taken from the second-reading agenda and passed to Thursday, March 26, 2015, the sixty-third legislative day, to be heard in conjunction with **HB 448**. Without objection, so ordered.

Senator McNally arose on a point of personal privilege and apologized for providing an incorrect answer during second reading discussion the previous day.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 414, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SB 415, introduced by P. Connell, M. Caferro, referred to Business, Labor, and Economic Affairs.
SB 416, introduced by J. Brenden, referred to Finance and Claims.
SB 417, introduced by D. Sands, J. Essmann, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 33, introduced by D. Brown, referred to State Administration.
SR 34, introduced by D. Brown, referred to State Administration.
SR 35, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SR 36, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 37, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 38, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 39, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 40, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 41, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 42, introduced by E. Arntzen, referred to Highways and Transportation.
SR 43, introduced by R. Webb, referred to Energy and Telecommunications.
SR 44, introduced by J. Brenden, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 397 - Senator Kaufmann moved **SB 397** do pass. Motion **failed** as follows:

Yeas: Arntzen, Barrett Dick, D. Brown, Caferro, Cohenour, Driscoll, Facey, Hoven, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 21

Nays: Ankney, Blasdel, Brenden, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 397 - Majority Leader Rosendale moved **SB 397** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Malek, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 30

Nays: Arntzen, Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hoven, Kaufmann, Keane, Larsen, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 309 - Senator Hinkle moved **SB 309** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Barrett Dick, Kaufmann, Tutvedt, Vincent, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 439 - Senator F. Moore moved **HB 439** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 343 - Senator Facey moved **HB 343** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 522 - Senator Facey moved **HB 522** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Taylor.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 350 - Senator D. Brown moved **HB 350** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.

Total 47

Nays: Howard, Smith, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 272 - Senator Driscoll moved **HB 272** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Brenden, Hansen, Moore, Sales, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 39 - Senator Hamlett moved **HB 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 40 - Senator Hoven moved **HB 40** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 49 - Senator Kaufmann moved **HB 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Brenden, Sales, Taylor.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski,

Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/24/2015
SB 393, introduced bill, be amended as follows:

1. Page 3, line 14.
Strike: "A"
Insert: "Until June 30, 2026, a"

2. Page 3, line 18.
Following: "~~$5.~~"
Insert: "Beginning July 1, 2026, the fee for a new certificate of title under this subsection is $5."

3. Page 3, line 19.
Strike: "The"
Insert: "Until June 30, 2026, the"

4. Page 3, line 21.
Following: "~~fund.~~"
Insert: "(c) Beginning July 1, 2026, the $5 fee must be deposited in the state general fund."

5. Page 3, line 24.
Strike: "A"
Insert: "Until June 30, 2026, a"

6. Page 4, line 4.
Following: "~~fund.~~"
Insert: "(3) Beginning July 1, 2026, the fee imposed in subsection (1)(a) is $5 and the fee imposed in subsection (1)(b) is $7 and all fees paid pursuant to this section must be deposited in the state general fund."

7. Page 4, line 17.

Following: "~~fund.~~"
Insert: "(c) Beginning July 1, 2026, the fee for a replacement certificate of title is $5 and the entire fee must be deposited in the state general fund."

8. Page 4, line 26.
Strike: "Fees"
Insert: "Until June 30, 2026, fees"

And, as amended, do pass. Report adopted.

SB 398, do pass. Report adopted.
HB 259, be amended as follows:

1. Page 2, line 9.
Following: "IF~~:~~"
Insert: ":"

2. Page 2, line 11.
Following: "~~(II)~~"
Insert: "(i) The dealer has applied for the title as provided in Title 61, chapter 3, part 2; or (ii)"

And, as amended, be concurred in. Report adopted.

HB 324, be concurred in. Report adopted.
HB 363, be concurred in. Report adopted.
HB 503, be amended as follows:

1. Title, page 1, line 6.
Following: "~~INFORMATION;~~"
Insert: "INCLUDING LOSS RESERVES AS PART OF LOSS INFORMATION FOR WORKERS' COMPENSATION CLAIMS;"

2. Page 1, line 13.
Strike: "Except as provided in Title 33, chapter 19, on"
Insert: "On"

3. Page 3, line 11.
Following: "~~amounts~~"
Insert: "and loss reserve amounts"

4. Page 3, line 22.
Strike: "part 4" in two places
Insert: "part 11" in two places

And, as amended, be concurred in. Report adopted.

HB 536, be concurred in. Report adopted.
HB 542, be amended as follows:

1. Page 1, line 29.
Strike: "and"

2. Page 2, line 2.
Following: regions
Insert: "; and (i) urge the department of transportation to include museums recognized by the museums association of Montana when it updates and publishes the state maps"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 3/23/2015
HB 431, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 3/24/2015
SB 399, introduced bill, be amended as follows:

1. Title, page 1, line 14.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

2. Page 1, line 28.
Strike: "board"
Insert: "department"

3. Page 2, line 11.
Strike: line 11 in its entirety
Renumber: subsequent subsections

4. Page 2, line 15.
Following: line 14
Insert: "(7)"Department" means the department of public health and human services provided for in 2-15-2201."
Renumber: subsequent subsections

5. Page 3, line 1.
Strike: "board"
Insert: "department"

6. Page 3, line 5.

Following: "appointed"
Insert: "or contracted"
Strike: "board"
Insert: "department"

7. Page 3, line 21.
Strike: "board"
Insert: "department"

8. Page 3, line 25.
Strike: "board"
Insert: "department"

9. Page 3, line 30.
Strike: "board"
Insert: "department"
Following: "provider"
Insert: "as program administrator, in consultation with the committee. In considering potential independent service providers, the department shall consider each prospective provider's prior experience with disabled individuals and programs for disabled individuals, along with its other qualifications. If the department appoints one of its employees to act as program administrator, the department may contract with independent service providers"

10. Page 4, line 2.
Strike: "board"
Insert: "department"

11. Page 4, line 4.
Following: line 3
Insert: "(3) The department is authorized to contract with other states as may be required to allow access of other states' residents to the program."
Renumber: subsequent subsections

12. Page 4, line 4.
Strike: "board"
Insert: "department"

13. Page 4, line 6.
Strike: "board"
Insert: "department"

14. Page 4, line 16.
Strike: "board"
Insert: "department"

15. Page 4, line 17.
Strike: "seven"
Insert: "five"

16. Page 4, line 19.
Following: ";"
Insert: "and"

17. Page 4, line 20.
Strike: line 20 in its entirety
Renumber: subsequent subsections

18. Page 4, line 21.
Strike: "four"
Insert: "three"
Strike: "each"
Insert: "one"

19. Page 4, line 22.
Following: "actuary"
Insert: "and two of whom have experience working on behalf of disabled individuals"

20. Page 4, line 26.
Strike: line 26 in its entirety
Renumber: subsequent subsections

21. Page 5, line 5.
Strike: "board"
Insert: "department"

22. Page 5, line 7.
Strike: "board"
Insert: "department"

23. Page 5, line 8.
Strike: "board"
Insert: "department"

24. Page 5, line 18.
Strike: "board"
Insert: "department"

25. Page 5, line 23.
Strike: "board"
Insert: "department"

26. Page 5, line 25.
Strike: "board"
Insert: "department"

27. Page 5, line 26.
Strike: "board"
Insert: "department"

28. Page 5, line 27.
Strike: "board"
Insert: "department"

29. Page 6, line 15.
Strike: "board"
Insert: "department"

30. Page 6, line 20.
Strike: "board"
Insert: "department"

31. Page 6, line 21.
Strike: "board"
Insert: "department"

32. Page 6, line 22.
Strike: the first "board"
Insert: "department"
Strike: the second "board"
Insert: "department"

33. Page 6, line 23 through line 30.
Strike: "The rules" on line 23 through "administrator." on line 30

34. Page 7, line 11.
Strike: "board"
Insert: "department"

35. Page 7, line 17.
Strike: "board"
Insert: "department"

36. Page 7, line 21.
Strike: "board"
Insert: "department"

37. Page 7, line 26.
Strike: "board"
Insert: "department"

38. Page 8, line 15.
Strike: "board"
Insert: "department"

39. Page 8, line 16.
Strike: "board"
Insert: "department"

40. Page 8, line 17.
Strike: "board"
Insert: "department"

41. Page 8, line 19.
Strike: "board"
Insert: "department"

42. Page 8, line 24.
Strike: the first "board"
Insert: "department"
Strike: the second "board"
Insert: "department"

43. Page 9, line 6.
Strike: "board"
Insert: "department"

44. Page 9, line 7.
Strike: "board"
Insert: "department"

45. Page 9, line 8.
Strike: the first "board"
Insert: "department"
Strike: the second "board"
Insert: "department"

46. Page 9, line 10.
Strike: "board"
Insert: "department"

47. Page 9, line 12.

Strike: "board"
Insert: "department"

48. Page 9, line 20.
Strike: "board"
Insert: "department"

49. Page 9, line 21.
Strike: "board"
Insert: "department"

50. Page 9, line 23.
Strike: "board"
Insert: "department"

51. Page 9, line 24.
Strike: "board"
Insert: "department"

52. Page 9, line 25.
Strike: "board"
Insert: "department"

53. Page 9, line 29.
Strike: "board"
Insert: "department"

54. Page 10, line 6.
Strike: "board"
Insert: "department"

55. Page 10, line 7.
Strike: "board"
Insert: "department"

56. Page 10, line 8.
Strike: "board"
Insert: "department"

57. Page 10, line 13.
Strike: "board"
Insert: "department"

58. Page 10, line 14.
Strike: "board"

Insert: "department"

59. Page 10, line 15.
Strike: "board"
Insert: "department"

60. Page 10, line 20.
Strike: "board"
Insert: "department"

61. Page 10, line 21.
Strike: "board"
Insert: "department"

62. Page 11, line 3.
Strike: "board"
Insert: "department"

63. Page 11, line 4.
Strike: "board"
Insert: "department"

64. Page 12, line 20.
Following: "Title 53"
Insert: "or any other federal, state, or local government means- tested program"

65. Page 18, line 9.
Strike: "15-62-208"
Insert: "[section 12]"

66. Page 19, line 3.
Following: line 2
Insert: "NEW SECTION. **Section 17. Transition.** The department of public health and human services shall take all steps necessary to implement the program to allow accounts to be opened and contributions to be made no later than November 1, 2015."
Renumber: subsequent section

67. Page 19, line 5.
Strike: the first "15"
Insert: "53"
Strike: the second "15"
Insert: "53"

68. Page 19, line 6.
Following: line 5

Insert: "NEW SECTION. **Section 19. Effective date.** [This act] is effective on passage and approval."
Insert: "NEW SECTION. **Section 20. Retroactive applicability.** [Sections 11, 12, and 16] apply retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2014."

And, as amended, do pass. Report adopted.

MOTIONS

Senator Rosendale moved **SB 398** be re-referred from the second reading board to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 42, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 109, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 24 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Fielder, Hinkle, Sales, Vance, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 33 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Fielder, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 34 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Fielder, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 35 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 47 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 47

Nays: Hinkle, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 180 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 204 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 244 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 252 concurred in as follows:

Yeas: Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Swandal, Tutvedt, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 30

Nays: Ankney, Arntzen, Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Keane, Keenan, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Taylor, Thomas, Vance, Vincent, Vuckovich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Wednesday, March 25, 2015, the 62nd legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 25, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 3/25/2015
Correctly printed: **SB 20**, **SB 309**, **SB 398**, **SB 414**, **SB 415**, **SB 416**, **SB 417**, **SR 33**, **SR 34**, **SR 35**, **SR 36**, **SR 37**, **SR 38**, **SR 39**, **SR 40**, **SR 41**, **SR 42**, **SR 43**, **SR 44**, **SJ 20**, **HB 39**, **HB 40**, **HB 49**, **HB 324**, **HB 343**, **HB 350**, **HB 363**, **HB 431**, **HB 439**, **HB 536**, **HB 555**.
Correctly engrossed: **SB 157**, **SB 264**, **SB 290**, **SB 393**, **SB 395**, **SB 399**, **SB 402, HB 259**, **HB 272**, **HB 503**, **HB 522**, **HB 533**, **HB 542**.
Correctly enrolled: **SB 42**, **SB 109**, **SB 141**, **SB 174**, **SB 184**, **SB 196**, **SB 332**.
Transmitted to the House: **HB 24**, **HB 33**, **HB 34**, **HB 35**, **HB 47**, **HB 180**, **HB 204**, **HB 244**, **HB 252**.
Signed by the Speaker at 4:55 p.m., March 24, 2015: **SB 31**, **SB 74**.
Delivered to the Governor at 10:53 a.m., March 25, 2015: **SB 31**, **SB 74**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/24/2015
SR 32, preliminary report. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 3/24/2015
SB 402, introduced bill, be amended as follows:

1. Title, page 1, line 27 through line 28.
Strike: "REQUIRING" on line 27 through "STUDY;" on line 28

2. Title, page 1, line 28.
Strike: "15-72-106,"

3. Title, page 1, line 29.
Following: "EFFECTIVE DATE"
Strike: "AND"
Insert: ","
Following: "APPLICABILITY DATE"
Insert: ", AND A TERMINATION DATE"

4. Page 2, line 10.

Strike: "and"
Following: "state government"
Insert: ", and those who work directly in affected coal-fired generating facilities or units"

5. Page 7, line 10.
Strike: "or"

6. Page 7, line 12.
Following: "(2)"
Insert: "; or
(g) mitigate property losses for those who are unemployed due directly to the retirement of a coal-fired generating facility or unit"

7. Page 8, line 8.
Following: "commission"
Insert: ", using existing resources,"

8. Page 8, line 16.
Strike: "**-- special revenue account**"

9. Page 8, line 16 through line 22.
Strike: subsection (1) through subsection (3) in their entirety
Renumber: subsequent subsections

10. Page 9, line 14 through line 25.
Strike: section 11 in its entirety
Renumber: subsequent sections

11. Page 14, line 17.
Following: "public utility"
Insert: "as defined in 69-3-2003(13)(b)"

12. Page 14, line 19.
Following: "A public utility"
Insert: "as defined in 69-3-2003(13)(b)"

13. Page 18, line 26.
Strike: "14"
Insert: "13"

14. Page 18, line 27.
Strike: "14"
Insert: "13"

15. Page 19.

Following: line 16
Insert: "NEW SECTION. **Section 23. Termination.** [This act] terminates December 31, 2018."

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 3/25/2015
SB 157, introduced bill, be amended as follows:

1. Page 10, line 22.
Strike: "1.44"
Insert: "1.4"

2. Page 10, line 24.
Strike: "1.44"
Insert: "1.4"

3. Page 10, line 25.
Strike: "(1)(D)(III)"
Insert: "(1)(d)(ii)"

And, as amended, do pass. Report adopted.

SB 264, introduced bill, be amended as follows:

1. Page 1, line 19 through 20.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

2. Page 1, line 21.
Strike: "9.72%"
Insert: "1%"

3. Page 1, line 23.
Strike: "(2)(c)(ii), 7.5%"
Insert: "(2)(b)(ii), 1%"

4. Page 1, line 28.
Strike: "(2)(c)(i)"
Insert: "(2)(b)(i)"

5. Page 1, line 29.
Strike: "7.2%"
Insert: "1%"

6. Page 1, line 30.
Following: line 30
Insert: "(d) 1% to the historical society to be used for the rehabilitation of state-owned heritage property buildings and structures;"

7. Page 2, line 1.
Strike: "7.08%"
Insert: "1%"

8. Page 2, line 3.
Strike: "3.48%"
Insert: "1%"

9. Page 2, line 5.
Strike: "2.52%"
Insert: "1%"

10. Page 2, line 5.
Following: "supporting"
Insert: "nonstate-owned"

11. Page 2, line 7.
Strike: "40%"
Insert: "93%"

And, as amended, do pass. Report adopted.

SB 290, introduced bill, be amended as follows:

1. Page 1, line 26.
Following: "(4)"
Insert: "(a)"

2. Page 1.
Following: line 27
Insert: "(b) The state and political subdivisions of the state are exempt from standards adopted pursuant to 61-10-154 that regulate motor carrier driver hours of service and maintenance of log books."

3. Page 3, line 24.
Following: "(B)"
Insert: "(i)"

4. Page 3.
Following: line 26

Insert: "(ii) The state and political subdivisions of the state are exempt from the provisions of this section and rules adopted pursuant to this section that regulate motor carrier driver hours of service and maintenance of log books."

And, as amended, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 3/24/2015
SB 395, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "OVER"
Insert: "BETWEEN"
Following: "10"
Insert: "AND 18"

2. Title, page 1, line 5 through line 6.
Strike: "REQUIRING" on line 5 through "SEASON;" on line 6

3. Title, page 1, line 9.
Strike: "87-1-301,"

4. Page 1.
Strike: line 12 through line 14

5. Page 1, line 24.
Following: "older and"
Insert: "under 18 years of age"

6. Page 2.
Following: line 3
Insert: "(b) be related to the apprentice hunter by blood, adoption, or marriage, be the legal guardian of the apprentice hunter, or be a person designated by a parent or legal guardian as being capable and qualified to assist the apprentice hunter;"
Renumber: subsequent subsections

7. Page 2, line 25.
Strike: "or"

8. Page 2.
Following: line 25
Insert: "(d) to obtain a mountain sheep license in any area where the licenses are issued in unlimited numbers; or"
Renumber: subsequent subsections

9. Page 2, line 29.

Strike: the first "the"
Insert: "up to one full"
Strike: "in which the privileges are granted"

10. Page 3, line 1 through page 5, line 22.
Strike: section 2 in its entirety
Renumber: subsequent sections

11. Page 9, line 9.
Following: "charge"
Insert: "upon completion of a hunter safety and education course"

12. Page 10, line 28.
Strike: "[Sections 2 and 7] apply"
Insert: "[Section 6] applies"

And, as amended, do pass. Report adopted.

SR 7, preliminary report. Report adopted.

JUDICIARY (Sales, Chair): 3/25/2015
HB 258, be concurred in. Report adopted.
HB 330, be concurred in. Report adopted.
HB 533, be amended as follows:

1. Title, page 1, line 6.
Strike: "INTENDS"
Insert: "ATTEMPTS"

2. Page 1, line 29.
Strike: "with the intent"
Insert: "in an attempt"

And, as amended, be concurred in. Report adopted.

HB 584, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/24/2015

SB 141, introduced by L. Jones
SB 174, introduced by M. Moe
SB 184, introduced by J. Cohenour

SB 196, introduced by M. Caferro
SB 332, introduced by E. Buttrey

House joint resolution passed and transmitted to the Senate for concurrence: 3/24/2015

HJ 16, introduced by M. MacDonald

MOTIONS

Senator Rosendale moved **SB 399** be re-referred from the second reading board to the Finance and Claims Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 418, introduced by L. Jones, referred to Finance and Claims.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 45, introduced by D. Brown, referred to State Administration.
SR 46, introduced by D. Brown, referred to State Administration.
SR 47, introduced by D. Brown, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 16, introduced by M. MacDonald, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Connell in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 375 - Senator Sales moved **SB 375** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.

Total 31

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Fielder, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 446 - Senator Vincent moved **HB 446** be concurred in.

HB 446 - Senator Vincent moved **HB 446**, second reading copy, be amended as follows:

1. Page 1, line 13.
Following: "the opposing party"
Strike: ", whether plaintiff or defendant,"
Insert: "who is the defendant"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 34

Nays: Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 446 - As amended, **HB 446 failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 24

Nays: Ankney, Barrett Dick, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 446 - Majority Leader Rosendale moved **HB 446** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Nays: Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 537 - Senator Thomas moved **HB 537** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 550 - Senator Facey moved **HB 550** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 111 - Senator Howard moved **HB 111** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Keane, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Sands, Sesso, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 34

Nays: Barrett Dick, Brenden, D. Brown, Jones, Kary, Kaufmann, Keenan, Moe, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Vance, Windy Boy, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 315 - Senator Fielder moved **HB 315** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales,

Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Buttrey assumed the chair.

HB 168 - Senator Connell moved **HB 168** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Connell moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 46

Nays: Hamlett, Smith, Vance, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

TAXATION (Tutvedt, Chair): 3/25/2015
SB 194, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "EFFECTIVE DATE"
Insert: ","
Strike: "AND"
Following: "APPLICABILITY DATE"
Insert: ", AND A TERMINATION DATE"

2. Page 1, line 13.
Strike: "**Residential property tax credit for elderly**"
Insert: "**Homeowner and renter income tax credit for older adults**"

3. Page 2, line 24.
Strike: "**Residential property tax credit for elderly**"
Insert: "**Homeowner and renter income tax credit for older adults**"

4. Page 3, line 16.
Following: line 15
Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates December 31, 2016."

And, as amended, do pass. Report adopted.

SB 212, introduced bill, be amended as follows:

1. Page 2, line 14.
Following: line 13
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If either House Bill No. 379 or Senate Bill No. 92, or both, and [this act] are passed and approved, then [this act] is void."

And, as amended, do pass. Report adopted.

SB 386, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "ENTITIES;"
Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 3, line 18.
Following: "**withholding**"
Insert: "-- rulemaking"

3. Page 5, line 23.
Following: "(7)"
Insert: "(a)"

4. Page 5, line 30.
Following: line 29
Insert: "(b) A pass-through entity may be allowed a waiver of the provisions of subsection (1)(c) if one or more publicly traded partnerships has a direct or indirect majority interest in the income distributed by the pass-through entity. The pass-through entity shall apply to the department in writing for the waiver of the withholding requirements set forth in subsection (1)(c).

(c) Waivers issued by the department prior to January 1, 2016, to pass-through entities in which a publicly traded partnership has a direct or indirect majority interest will remain in effect in accordance with the law and rules in effect at the time the waiver was granted.

(d) The department shall adopt rules outlining the requirements for the waiver request.

(8) (a) A pass-through entity may be allowed a waiver of the provisions of subsection (1)(c) for any partner, shareholder, member, or other owner that is a domestic second-tier pass-through entity if:

(i) the pass-through entity files a statement setting forth the name, address, and social security or federal identification number of each of the domestic second-tier pass-through entity's partners, shareholders, members, or other owners; and

(ii) the information establishes that the domestic second-tier pass-through entity's share of Montana source income should be fully accounted for in a resident individual income tax return.

(b) For purposes of this subsection (8), a "domestic second-tier pass-through entity" is a pass-through entity whose interest is entirely held, either directly or indirectly, by one or more resident individuals.

(c) Subsequent to the initial approval of a waiver, the department may revoke the waiver if it determines that the partner, shareholder, member, or other owner no longer qualifies."
Renumber: subsequent subsections

5. Page 6, line 3.
Following: line 2
Insert: "(10) The department may adopt rules to administer and enforce the provisions of this section."

And, as amended, do pass. Report adopted.

SB 392, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "REQUIRING A PUBLIC"
Insert: "PROVIDING FOR A"

2. Page 1, line 12.
Strike: "**Public listing**"
Insert: "**Listing**"
Strike: "**public compliance check**"
Insert: "**promotion by department of commerce**"

3. Page 1, line 13.
Strike: "maintain a public"
Insert: "provide a"

4. Page 1, line 14.
Following: "15-68-102"
Insert: "to the department of commerce for the purpose of providing an accommodation or facility with the option to be listed on a state website or similar tourism promotion database. An accommodation or facility that does not desire to be on the list that is forwarded to the department of commerce shall notify the department of revenue, and the name of the accommodation or facility may not be listed"

5. Page 1, line 15 through line 23.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 394, introduced bill, be amended as follows:

1. Page 1, line 26.
Strike: "greater"
Insert: "greatest"

2. Page 1, line 28.
Following: "date;"
Strike: "or"

3. Page 1, line 29.
Following: "date"
Insert: "; or

(iii) a default percentage according to industry type established by administrative rule"

And, as amended, do pass. Report adopted.

HB 262, be amended as follows:

1. Title, page 1, line 7.
Strike: "AND"
Following: "7-6-1504,"
Insert: "AND 7-6-1542,"

2. Page 3, line 14.
Following: "WORKFORCE HOUSING"
Insert: ", or both"

3. Page 3, line 30.
Following: line 29
Insert: "Section 4. Section 7-6-1542, MCA, is amended to read:

"7-6-1542. Resort area district board powers related to administration and expenditure of resort tax revenue -- authorization to issue bonds -- restrictions. (1) The board of a resort area district created under 7-6-1531 through 7-6-1550 may:

(a) appropriate and expend revenue from a resort tax for any activity, undertaking, or administrative service authorized in the resolution creating a resort area and adopting a resort tax;

(b) adopt administrative ordinances necessary to aid in the collection or reporting of resort taxes and in the expenditure of resort tax revenue; ~~and~~

(c) except as provided in subsection (2), if approved by four of the five board members, issue bonds to provide, install, or construct any of the public facilities, improvements, or capital projects authorized as provided in subsection (1)(a) and pledge for repayment of the bonds the revenue derived from the resort tax; and

(d) amend the rate of the resort tax up to an additional 1% over what had been approved by the qualified electors by placing the question of the additional tax to a vote of the qualified electors voting in an election conducted in accordance with [sections 1 through 5 of House Bill No. 84]. The revenue from the additional tax must be used for the purposes provided for in 7-6-1504(4)(d).

(2) A resort area district may not issue bonds to construct any single-purpose public facility, improvement, or capital project in an amount exceeding $500,000 without the approval of a majority of the qualified electors residing within the boundaries of the resort area district voting at a special election at a time to be determined by the board. For the purpose of this subsection, the board may authorize a special election by majority vote.

(3) The provisions of 7-6-1506(3) apply to the issuance of bonds by a resort area district, and the board shall conclude that the projected useful life of the public facilities, improvements, or capital projects will be greater than the term of the bonds that were issued to construct the public facilities, improvements, or capital projects.

(4) Resort tax revenue that is pledged by a resort area district to the repayment of

bonds must be sufficient to pay the principal and interest on the bonds in each year when the principal and interest is due. Bonds do not constitute debt for the purpose of any statutory debt limitation. A resort area district may not issue bonds pledging proceeds of the resort tax for repayment unless the board in the resolution authorizing issuance of the bonds determines that the annual principal and interest payment on the bonds issued will not cumulatively exceed 25% of the average of resort tax revenue received by the district during the preceding 5 years. Bonds may not be issued for a term longer than the remaining duration of the resort area district.""

And, as amended, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 419, introduced by B. Hamlett, T. Brown, L. Jones, R. Ripley, referred to Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 309 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Barrett Dick, Kaufmann, Sesso, Tutvedt, Vincent, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 39 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 40 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 49 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Brenden, Sales, Smith, Taylor, Vance.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 118 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 272 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 38

Nays: Brenden, Hansen, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Vance, Vincent, Webb, Ms. President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 343 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 350 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: Smith, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 439 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 522 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

UNFINISHED BUSINESS

Ms. President, I move the following undersigned names be ADDED as sponsors to **SB 396**. Motion carried. (E. Buttrey, Chief Sponsor)

Representatives Hill, Wittich, and Zolnikov.

SPECIAL ORDERS OF THE DAY

SR 3 - Senator T. Brown moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 3**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 13 - Senator Webb moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 13**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Brenden, Ripley, Rosendale.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 20 - Senator T. Brown moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 20**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Brenden, Sales, Smith, Vance.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 27 - Senator Sales moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 27**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 28 - Senator Sales moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 28**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Brenden.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Tutvedt moved to change his vote on **SB 309** from Yes to No. Without objection, so ordered.

Senator Driscoll moved to change her vote on **SB 309** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, March 26, 2015, the sixty-third legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 26, 2015 — State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Moore presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 3/26/2015

Correctly printed: **SB 375**, **SB 418**, **SB 419**, **SR 45**, **SR 46**, **SR 47**, **HB 111**, **HB 168**, **HB 258**, **HB 315**, **HB 330**, **HB 550**, **HB 584**.
Correctly engrossed: **SB 194**, **SB 212**, **SB 279**, **SB 326**, **SB 386**, **SB 392**, **SB 394**, **SB 409**, **HB 101**, **HB 196**, **HB 262**, **HB 284**, **HB 373**, **HB 374**, **HB 381**, **HB 400**, **HB 537**, **HB 562**.
Correctly enrolled: **SB 79**, **SB 188**, **SR 3**, **SR 13**, **SR 20**, **SR 27**, **SR 28**.
Examined by the sponsor and found to be correct: **SB 42**, **SB 109**, **SB 141**, **SB 174**, **SB 184**, **SB 196**, **SB 332**.
Transmitted to the House: **SB 309**, **HB 39**, **HB 40**, **HB 49**, **HB 118**, **HB 272**, **HB 343**, **HB 350**, **HB 439**, **HB 522**.
Signed by the Secretary of the Senate at 4:30 p.m., March 26, 2015: **SB 42**, **SB 109**, **SB 141**, **SB 174**, **SB 184**, **SB 196**, **SB 332**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 3/25/2015
HB 196, be amended as follows:

1. Page 2, line 11.
Strike: "AS DEFINED IN [SECTION 3]"

2. Page 2, line 22.
Strike: "BASELINE"
Insert: "annual"

3. Page 2, line 22 through line 26.
Strike: "FOR EACH YEAR" on line 22 through "NEXT BIENNIUM" on line 26

4. Page 3, line 20.
Insert: "(9) As used in this section, "resident nonbeneficiary student" means a resident of the state of Montana who is not:
(a) a member of an Indian tribe; or
(b) a biological child of a member of an Indian tribe, living or deceased."

5. Page 3, line 21 through page 4, line 4.
Strike: section 3 through section 4 in their entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 284, be amended as follows:

1. Title, page 1, line 5 through line 8.
Strike: "REQUIRING" on line 5 through "COURT" on line 8
Insert: "AND CLARIFYING REDRESS"

2. Page 1, line 12.
Strike: "5"
Insert: "4"

3. Page 1, line 17.
Strike: "OR EMPLOYEE"

4. Page 1, line 19.
Strike: "PERSON"
Insert: "student"
Strike: "PERSON'S"
Insert: "student's"

5. Page 1, line 20.
Strike: "PERSON" in both places
Insert: "student" in both places
Strike: "PERSON'S"
Insert: "student's"

6. Page 1, line 22.
Following: "~~or~~"
Insert: "or"

7. Page 1, line 23 through line 26.
Strike: ";" on line 23 through "SUPPRESSED" on line 26

8. Page 1, line 30.
Strike: "(1)"

9. Page 2, line 1 through line 14.
Strike: ":" on line 1 through "LAW" on line 14

10. Page 2, line 16 through page 3, line 7.

Strike: section 4 in its entirety
Renumber: subsequent sections

11. Page 3, line 9.
Strike: "**NOT REQUIRED**"

12. Page 3, line 10.
Strike: "5"
Insert: "4"

13. Page 3, line 10 through line 12 .
Strike: "BRING" on line 10 through "ANY" on line 12
Insert: "seek redress under any available law, either civil or criminal, after exhausting all"

14. Page 3, line 12 through line 13.
Strike: "PRIOR" on line 12 through "ACTION" on line 13

15. Page 3, line 15.
Strike: "5"
Insert: "4"

16. Page 3, line 17.
Strike: "5"
Insert: "4"

And, as amended, be concurred in. Report adopted.

HB 373, be amended as follows:

1. Page 3, line 18 through line 19.
Strike: subsection (8) in its entirety

And, as amended, be concurred in. Report adopted.

HB 374, be amended as follows:

1. Title, page 1, line 9.
Following: "REQUIRING"
Insert: "THE OFFICE OF PUBLIC INSTRUCTION TO DEVELOP"
Following: "TRAINING"
Insert: "MATERIALS"

2. Title, page 1, line 10.
Strike: "REQUIRING"
Insert: "RECOMMENDING"

3. Page 1, line 23.
Strike: "**Mandatory youth**"
Insert: "**Youth**"

4. Page 1, line 25.
Following: "prevention"
Insert: "training materials"
Following: "training"
Insert: "materials"
Strike: "superintendent"
Insert: "office"

5. Page 1, line 25 through line 28.
Strike: "in" on line 25 through "meets" on line 28
Insert: ", meet"
Renumber: subsequent subsections

6. Page 1, line 29.
Strike: "is"
Insert: "be"

7. Page 2, line 1.
Following: "The"
Insert: "legislature recommends that"
Strike: "must"

8. Page 2, line 4.
Strike: "(4)"
Insert: "(3)"

9. Page 2, line 5.
Strike: "Employees" through "shall"
Insert: "The legislature recommends that employees under subsection (2)"

10. Page 2, line 7 through line 8.
Strike: "PROVIDED" on line 7 through "INSTRUCTION" on line 8

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 3/26/2015
SB 398, do pass. Report adopted.
SB 418, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 3/25/2015
SB 326, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "AUTHORITY;"
Insert: "REQUIRING REPORTING TO THE ENVIRONMENTAL QUALITY COUNCIL;"

2. Title, page 1, line 7 through line 8.
Strike: "AND A RETROACTIVE" on line 7 through "APPLICABILITY DATE" on line 8

3. Page 1, line 12 through page 4, line 17.
Strike: section 1 through section 2 in their entirety
Insert: "Section 1. Section 77-1-804, MCA, is amended to read:

"77-1-804. Rules for recreational use of state lands -- penalty. (1) The board shall adopt rules authorizing and governing the recreational use of state lands allowed under 77-1-203. The board shall use local offices of the department to administer this program whenever practical.

(2) Rules adopted under this section must address the circumstances under which the board may close legally accessible state lands to recreational use. Action by the board may be taken upon its own initiative or upon petition by an individual, organization, corporation, or governmental agency. Closures may be of an emergency, seasonal, temporary, or permanent nature. State lands may be closed by the board only after public notice and opportunity for public hearing in the area of the proposed closure, except when the department is acting under rules adopted by the board for an emergency closure. Closed lands must be posted by the lessee <u>or by the department at the request of the lessee</u> at customary access points, with signs provided or authorized by the department.

(3) Closure rules adopted pursuant to subsection (2) may categorically close state lands whose use or status is incompatible with recreational use. Categorical or blanket closures may be imposed on state lands due to:

(a) cabin site and home site leases and licenses;

(b) the seasonal presence of growing crops; and

(c) active military, commercial, or mineral leases.

(4) The board shall adopt rules that provide an opportunity for any individual, organization, or governmental agency to petition the board for purposes of excluding a specified portion of state land from a categorical closure that has been imposed under subsection (3).

(5) Under rules adopted by the board, state lands may be closed on a case-by-case basis for certain reasons, including but not limited to:

(a) damage attributable to recreational use that diminishes the income-generating potential of the state lands;

(b) damage to surface improvements of the lessee;

(c) the presence of threatened, endangered, or sensitive species or plant communities;

(d) the presence of unique or special natural or cultural features;

(e) wildlife protection;

(f) noxious weed control; or

(g) the presence of buildings, structures, and facilities.

(6) <u>(a)</u> Rules adopted under this section may impose restrictions ~~upon~~ <u>on</u> general recreational activities, including the discharge of weapons, camping, open fires, vehicle use, and any use that will interfere with the presence of livestock.

<u>(b)</u> The board may also by rule restrict access on state lands in accordance with a block

management program administered by the department of fish, wildlife, and parks.

(c) Motorized vehicle use by recreationists on state lands is restricted to federal, state, and dedicated county roads, trails developed by the department for motorized use, and ~~to those~~ roads designated by the department to be open to motorized vehicle use.

(d) Recreational overnight use of state lands in a 30-day period is limited to 16 days:

(i) in a designated campground; and

(ii) on unleased, unlicensed lands outside a campground unless otherwise allowed by the department.

(e) Pets on state lands must be on a leash or otherwise controlled to prevent harassment of livestock or wildlife.

(f) Horses may be kept overnight on state lands if:

(i) the horses do not remain in a stream riparian zone for more than 1 hour; and

(ii) only feed certified as noxious weed seed free is present on state lands.

(g) A horse kept overnight on state lands where there is a lease or license must be kept in compliance with the provisions of subsection (6)(f) and must be restrained.

(h) Restrictions on general recreational activities must comply with the following:

(i) at least 30 days prior to a restriction, except in the case of emergency, the lessee or the department if requested by the lessee shall:

(A) post notice of the proposed restriction at frequent access points to the land where the restriction is proposed; and

(B) issue a press release or a public service announcement detailing the proposed restriction;

(ii) except for seasonal restrictions and unless required for public safety, a restriction in an area may not exceed 1 year; and

(iii) if a misuse of the land, including littering, may lead to a restriction, common access points must be posted with notice of the possible restriction for 30 days with information detailing the misuse of land and stating the penalties for the violation. If the misuse persists at the end of 30 days, a proposed restriction notice may be posted in accordance with subsection (6)(h)(i).

(7) The board shall adopt rules providing for the issuance of a recreational special use license. Commercial or concentrated recreational use, as defined in 77-1-101, is prohibited on state lands unless it occurs under the provisions of a recreational special use license. The board may also adopt rules requiring a recreational special use license for recreational use that is not commercial, concentrated, or within the definition of general recreational use.

(8) For a violation of rules adopted by the board pursuant to this section, the department may assess a civil penalty of up to $1,000 for each day of violation. The board shall adopt rules providing for notice and opportunity for hearing in accordance with Title 2, chapter 4, part 6. Civil penalties collected under this subsection must be deposited as provided in 87-1-601(8).

(9) Unauthorized dumping of refuse on state lands and destruction of property, which includes land and improvements, are misdemeanor crimes punishable by a fine of not more than $1,500.""

Insert: "NEW SECTION. **Section 2. Reporting requirements.** (1) On or before September 1 of each year preceding the convening of
a regular session of the legislature, the department shall provide a report to the environmental quality council in accordance with 5-11-210.

(2) The report must include:

(a) existing road closures and restrictions on state lands;

(b) anticipated road closures and restrictions on state lands; and

(c) ongoing travel management planning on state lands or foreseeable travel management planning by the department or by the department in conjunction with federal agencies conducting travel management planning that may impact state lands."

Renumber: subsequent sections

4. Page 4, line 19.
Strike: "[Section 1]"
Insert: "[Section 2]"

5. Page 4, line 20.
Strike: "[section 1]"
Insert: "[section 2]"

6. Page 4, line 24 through line 26.
Strike: section 5 in its entirety

And, as amended, do pass. Report adopted.

SB 409, introduced bill, be amended as follows:

1. Page 2, line 19.
Following: "means"
Insert: ", with regard to tailings storage facilities,"

2. Page 3, line 8.
Following: "means"
Insert: ", with regard to tailings storage facilities,"

3. Page 6, line 26.
Strike: "produces"
Insert: "stores"

4. Page 11, line 25.
Strike: "9"
Insert: "10"

5. Page 12, line 9.
Following: "facility"
Insert: ", an operator that is constructing a new tailings storage facility,"

6. Page 13, line 1.
Following: "panel"
Insert: "created pursuant to [section 6]"

7. Page 27, line 21.
Following: "application"
Insert: "submitted after [the effective date of this act]"

8. Page 31, line 14.
Following: "(2)(dd)"
Insert: "]"

9. Page 31, line 21.
Following: "to"
Insert: ":
(1)"

10. Page 31, line 22.
Following: "[the effective date of this act]"
Strike: "and"
Insert: ";
(2)"

11. Page 31, line 23.
Following: "[the effective date of this act]"
Insert: "; and
(3) a tailings storage facility constructed after [the effective date of this act]"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 3/25/2015
SJ 22, do pass. Report adopted.
HB 256, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 3/25/2015
SB 279, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "APPOINTMENTS;"
Insert: "REQUIRING THE GOVERNOR TO MAKE AN APPOINTMENT TO FILL CERTAIN VACANCIES IN THE LAST YEAR OF AN OFFICE'S TERM;"

2. Page 2, line 8.
Following: "(4)(a)"
Insert: "(i)"

3. Page 2, line 9.
Following: "held."
Insert: "(ii)(A)"

4. Page 2, line 10.
Strike: "new" through "commences."
Insert: "results of the regularly scheduled general election are certified.
(B) When the results are certified, the governor shall appoint the candidate who won the election for the senate seat to fill the remainder of the vacancy."

5. Page 2, line 11 through line 12.
Strike: "The governor" on line 11 through "the office." on line 12
Insert: "Unless the appointment is made pursuant to subsection (4)(a)(ii)(B), when a vacancy occurs, if the vacating officeholder represented a political party eligible for primary election under 13-10-601, the person appointed by the governor pursuant to subsection (4)(a)(i) or (4)(a)(ii) must be of the same political party and must be selected by the governor as provided in subsections (5) and (6)."

6. Page 2, line 15.
Following: "that office."
Insert: "(5) Within 3 days after being notified of a vacancy, the governor shall notify the political party that was represented by the vacating officeholder.
(6) (a) Within 15 days after being notified of a vacancy, the state party central committee shall forward to the governor a list of three prospective appointees.
(b) The governor shall select an appointee from the list within 15 days after receiving it."

And, as amended, do pass. Report adopted.

HB 68, be concurred in. Report adopted.
HB 101, be amended as follows:

1. Title, page 1, line 10.
Strike: "REVISING" through "INFORMATION;"

And, as amended, be concurred in. Report adopted.

HB 209, be concurred in. Report adopted.
HB 211, be concurred in. Report adopted.
HB 288, be concurred in. Report adopted.
HB 290, be concurred in. Report adopted.
HB 331, be concurred in. Report adopted.
HB 342, be concurred in. Report adopted.
HB 381, be amended as follows:

1. Page 2, line 26 through line 27.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

2. Page 3, line 2.

Following: "reduction of" on line 3
Strike: ":"
Insert: "10% or more in the federal receipts that the designated state agency receives."

3. Page 3, line 3 through line 4.
Strike: line 3 through line 4 in their entirety

4. Page 3, line 6.
Strike: "through (1)(c)"
Insert: "and (1)(b)"

5. Page 3, line 9.
Strike: "through (1)(c)"
Insert: "and (1)(b)"

6. Page 3, line 12 through line 13.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

7. Page 3, line 18.
Following: "funds;"
Insert: "and"

8. Page 3, line 19 through line 21.
Strike: subsection (d) in its entirety
Renumber: subsequent subsections

9. Page 3, line 22.
Strike: "identify"
Insert: "identifies"
Following: "administer"
Insert: "the total"

10. Page 3, line 22 through line 23.
Following: "receives" on line 22
Insert: "."
Strike: remainder of line 22 through line 23 in their entirety

11. Page 3, line 25.
Following: "year"
Insert: "for the most recent full year for which it has the reports"

12. Page 4, line 16.
Strike: "(3)(C) AND (3)(D)"
Insert: "(3)(b)"

13. Page 4, line 18.
Strike: "SUBSECTIONS (3)(C) AND (3)(D)"
Insert: "subsection (3)(b)"

14. Page 4, line 19.
Strike: "SUBSECTIONS (3)(C) AND (3)(D)"
Insert: "subsection (3)(b)"
Following: "FULFILLED."
Insert: "If a live link to a federal web page containing the information required under subsection (3)(b) is not available, the agency is not required to provide that information in another format."

And, as amended, be concurred in. Report adopted.

HB 400, be amended as follows:

1. Page 2, line 9.
Following: "precinct."
Insert: "A poll watcher from each of the two largest political parties in the county must be present during the transcription process."

And, as amended, be concurred in. Report adopted.

HB 460, be concurred in. Report adopted.
HB 529, be concurred in. Report adopted.
HB 562, be amended as follows:

1. Page 1, line 17.
Following: "federal"
Strike: "governments"
Insert: "flow-through funds"

2. Page 1, line 19.
Following: "members" on line 19
Insert: ", as state citizens,"

3. Page 1, line 19.
Following: "regarding"
Strike: "the receipt of federal and"
Insert: "federal flow-through funds and the receipt of"

4. Page 2, line 27.
Strike: "by a federal or state entity"
Insert: "directly or indirectly"
Strike: "or"

5. Page 2, line 28.
Strike: "subrecipient"
Insert: "either as state funds or federal funds provided through a state agency"

6. Page 2, line 30 through page 3, line 1.
Following: "received" on page 2, line 30
Strike: "directly" on page 2, line 30 through "recipients" on page 3, line 1.
Insert: "directly or indirectly by a tribal entity as state funds or as federal funds passed through a state agency directly or indirectly from a subrecipient"

7. Page 3, line 5.
Following: "state"
Insert: "funds"
Following: "funds"
Insert: "through a state agency"

And, as amended, be concurred in. Report adopted.

HB 564, be concurred in. Report adopted.
HB 575, be concurred in. Report adopted.
HB 578, be concurred in. Report adopted.
HB 580, be concurred in. Report adopted.
HJ 14, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 3/26/2015
HB 228, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 25, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Wednesday, March 25, 2015, I signed the following bills:

Senate Bill 21 - J. Cohenour
Senate Bill 53 - Dick Barrett
Senate Bill 80 - D. Brown
Senate Bill 96 - J. Keane

Senate Bill 110 - E. Buttrey
Senate Bill 119 - D. Kary

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/25/2015

SB 79, introduced by T. Facey
SB 188, introduced by C. Vincent

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/25/2015

SB 101, introduced by R. Driscoll
SB 150, introduced by J. Windy Boy

Senate amendments to House bills concurred in: 3/25/2015

HB 36, introduced by R. Lynch
HB 107, introduced by R. Cook
HB 208, introduced by D. Moore
HB 241, introduced by T. Berry
HB 285, introduced by K. Flynn
HB 375, introduced by S. Lavin

House bill passed and transmitted to the Senate for concurrence: 3/25/2015

HB 430, introduced by S. Fitzpatrick

SB 126 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 126:**

3/25/2015

Representative Berglee
Representative Mehlhoff
Representative Regier

MOTIONS

Senator Buttrey moved that **SB 405** be taken from Finance and Claims and brought before the Committee of the Whole on Friday. March 27, 2015, legislative day sixty-four. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved **SB 194**, **SB 212**, **SB 326**, and **SB 386** be re-referred from the second-reading board, and **SB 20** be re-referred from the second-reading agenda, to the Finance and Claims Committee. Without objection, so ordered.

Senator Arntzen moved that **SB 413** be re-referred from the Taxation Committee to the Finance and Claims Committee. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 27

Nays: Barrett Dick, D. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Whitford, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Vincent moved that **SB 407** be re-referred from the Taxation Committee to the Finance and Claims Committee. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Thomas, Vance, Vincent, Ms. President.
Total 26

Nays: Barrett Dick, Brenden, D. Brown, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 420, introduced by B. Hamlett, Debby Barrett, referred to Finance and Claims.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 48, introduced by F. Thomas, referred to Public Health, Welfare and Safety.
SR 49, introduced by F. Thomas, referred to Public Health, Welfare and Safety.

The following House bill was introduced, read first time, and referred to committee:

HB 430, introduced by S. Fitzpatrick, A. Doane, J. Essmann, K. Hansen, G. Hertz, E. Hill, S. Lavin, N. McConnell, M. Monforton, A. Person, N. Swandal, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Pomnichowski in the chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 393 - Senator Arntzen moved **SB 393** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 259 - Senator Vance moved **HB 259** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 324 - Senator Facey moved **HB 324** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 363 - Senator Connell moved **HB 363** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 503 - Senator Thomas moved consideration of **HB 503** be passed for the day. Without objection, so ordered.

HB 536 - Senator Connell moved **HB 536** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 542 - Senator D. Brown moved **HB 542** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 99 - Senator Kaufmann moved **HB 99** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: D. Brown, Fielder, Hansen, Hinkle, Kary, Keenan, Rosendale, Smith, Vance.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 251 - Senator Driscoll moved consideration of **HB 251** be passed for the day. Without objection, so ordered.

HB 573 - Senator Arntzen moved **HB 573** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour,

Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Ankney, Moore, Vance, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 447 - Senator Swandal moved **HB 447** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 448 - Senator Swandal moved **HB 448** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297 - Senator Fielder moved **HB 297** be concurred in.

HB 297 - Senator Fielder moved **HB 297**, second reading copy, be amended as follows:

1. Page 3, line 13 through line 14.
Following: "vehicle"
Insert: "while in motion"
Following: "61-1-101"
Strike: ", including " on line 13 through "stop sign" on line 14

Amendment **not** adopted as follows:

Yeas: Arntzen, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Rosendale, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 24

Nays: Ankney, Barrett Dick, Blasdel, Brenden, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Vance, Vincent, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297 - Thereupon, the Senate reverted to the original motion of Senator Fielder which **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Wolken.
Total 25

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hinkle, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.

Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297 - Senator Rosendale moved **HB 297** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Whitford, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Webb, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 516 - Senator Swandal moved **HB 516** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: Ankney, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 555 - Senator Howard moved **HB 555** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Hansen, Kaufmann, Keenan, Rosendale, Sales, Smith, Tutvedt, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 431 - Senator Malek moved **HB 431** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 45

Nays: Ankney, Ripley, Tutvedt, Whitford, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Pro Tempore Moore presiding. Chair Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Wolken, Ms. President.

Total 40

Nays: Barrett Dick, Driscoll, Kaufmann, Malek, McNally, Moe, Rosendale, Smith, Webb, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 375 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hinkle, Hoven, Howard, Jones, Kary, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total ~~27~~ 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, ~~Sales~~, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total ~~23~~ 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Vote represents a change made by Senator Sales under Motions on legislative day sixty-four.

HB 111 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Keane, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Sales, Sands, Sesso, Swandal, Taylor, Thomas, Webb, Wolken, Ms. President.
Total 33

Nays: Barrett Dick, Brenden, D. Brown, Kary, Kaufmann, Keenan, Moe, Ripley, Rosendale, Smith, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 168 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 315 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 537 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 550 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/26/2015
SB 396, introduced bill, be amended as follows:

1. Title, page 1, line 10.
Following: "CERTIFICATE;"
Insert: "PROVIDING FINANCIAL RESPONSIBILITY OF TRANSPORTATION NETWORK CARRIERS; REQUIRING TRANSPORTATION NETWORK CARRIERS TO PROVIDE

DISCLOSURES; PROVIDING INSURANCE REQUIREMENTS;"

2. Title, page 1, line 13.
Strike: "60-12-102"
Insert: "69-12-102"

3. Page 2.
Following: line 26
Insert: "NEW SECTION. **Section 4. Insurance requirements of transportation network carriers.** A transportation network carrier driver or transportation network carrier on the driver's behalf shall maintain primary motor vehicle liability insurance on the driver's personal vehicle that meets the following requirements:

(1) The insurance policy recognizes that the driver is a transportation network carrier driver or otherwise uses a personal vehicle to transport riders for compensation and covers the driver:

(a) while the driver is logged on to the transportation network carrier's digital network; or

(b) while the driver is engaged in a prearranged ride.

(2)(a) While a participating transportation network carrier driver is logged on to the transportation network carrier's digital network and is available to receive transportation requests but is not engaged in a prearranged ride, the following automobile insurance requirements apply:

(i) The policy must provide primary motor vehicle liability insurance in the amount of at least $50,000 for death and bodily injury per person, $100,000 for death and bodily injury per incident, and $25,000 for property damage.

(ii) The policy must provide uninsured motorist coverage as provided by 33-23-201.

(b) The coverage requirements of subsection (2)(a) may be satisfied by any of the following:

(i) motor vehicle liability insurance maintained by the transportation network carrier driver;

(ii) motor vehicle liability insurance maintained by the transportation network carrier; or

(iii) any combination of subsections (2)(b)(i) and (2)(b)(ii).

(3)(a) While a transportation network carrier driver is engaged in a prearranged ride, the following motor vehicle liability insurance requirements apply:

(i) The policy must provide primary motor vehicle liability insurance that provides at least $1,000,000 for death, bodily injury, and property damage.

(ii) The policy must provide uninsured motorist coverage as provided by 33-23-201.

(b) The coverage requirements of subsection (3)(a) may be satisfied by any of the following:

(i) motor vehicle liability insurance maintained by the transportation network carrier on the driver's personal vehicle;

(ii) motor vehicle liability insurance maintained by the transportation network carrier on the driver's personal vehicle; or

(iii) any combination of subsections (3)(b)(i) and (3)(b)(ii).

(4) If insurance maintained by the driver in subsections (2) or (3) has lapsed or does not

provide the required limits of coverage, insurance maintained by a transportation network carrier must provide the coverage required by this section beginning with the first dollar of a claim and have the duty to defend such claim.

(5) Coverage under a motor vehicle liability insurance policy maintained by the transportation network carrier may not be dependent on a driver's personal motor vehicle liability insurer first denying a claim and a driver's personal motor vehicle liability insurance policy insurer may not be required to first deny a claim.

(6) Insurance required by this section may be placed with an insurer authorized under Title 33, including a surplus lines insurer.

(7) Insurance satisfying the requirements of this section satisfies mandatory insurance requirements in Title 61, chapter 6.

(8) A transportation network carrier driver shall carry proof of coverage satisfying subsections (2) and (3) at all times during the use of a personal vehicle in connection with a transportation network carrier's digital network. In the event of an accident, a transportation network carrier driver shall provide insurance coverage information to the directly interested parties, motor vehicle liability insurers, and investigating police officers upon request. Upon such request, a transportation network carrier driver shall also disclose to directly interested parties, motor vehicle liability insurers, and investigating police officers whether the driver was logged on to the transportation network carrier's digital network or engaged in a prearranged ride at the time of an accident."

"NEW SECTION. **Section 5. Disclosures.** A transportation network carrier shall disclose in writing to a transportation network carrier driver the following before the driver is allowed to accept a request for a prearranged ride on the transportation network carrier's digital network:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network carrier provides while the transportation network carrier driver uses a personal vehicle in connection with a transportation network carrier's digital network; and

(2) that the transportation network carrier driver's own motor vehicle liability insurance policy might not provide any coverage while the driver is logged on to the transportation network carrier's digital network and is available to receive transportation requests or is engaged in a prearranged ride, depending on its terms.

"NEW SECTION. **Section 6. Motor vehicle liability insurance provisions.** (1) Insurers that write motor vehicle liability insurance in Montana may exclude any and all coverage afforded under the owner's insurance policy for any loss or injury that occurs while a driver is logged on to a transportation network carrier's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in a motor vehicle liability insurance policy, including, but not limited to:

(a) liability coverage for bodily injury and property damage including insurance required under Title 61, chapter 6;

(b) personal injury protection coverage;

(c) uninsured and underinsured motorist coverage, including insurance provided under 33-23-201;

(d) medical payments coverage;

(e) comprehensive physical damage coverage; and

(f) collision physical damage coverage.

(2) Nothing in this section requires that a personal motor vehicle liability insurance policy provide coverage while the driver is logged on to the transportation network carrier's digital network, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a personal vehicle to transport riders for compensation. An insurer may provide coverage for the transportation network carrier driver's personal vehicle, if it chooses to do so by contract or endorsement.

(3) A motor vehicle liability insurer that excludes the coverage described in [section 4] has no duty to defend or indemnify any claim expressly excluded. [Sections 4 through 6] do not invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use prior to the enactment of [sections 4 through 6]. A motor vehicle liability insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its motor vehicle liability policy has a right of contribution against other insurers that provide motor vehicle liability insurance to the same driver in satisfaction of the coverage requirements of [section 4] at the time of loss.

(4) In a claims coverage investigation, transportation network carriers and any insurer potentially providing coverage under [section 4] shall cooperate to facilitate the exchange of relevant information with directly involved parties and any insurer of the transportation network carrier driver, if applicable, including the precise times that a transportation network carrier driver logged on and off the transportation network carrier's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions, and limits provided under any motor vehicle liability insurance maintained under [section 4].

Renumber: subsequent sections

4. Page 5.

Following: line 16

Insert: "(8) "Digital network" means any online-enabled application, software, website, or system offered or utilized by a transportation network carrier that enables the prearrangement of rides with transportation network carrier drivers."

Renumber: subsequent subsections

5. Page 6.

Following: line 12

Insert: "(15) "Personal vehicle" means a vehicle that is used by a transportation network carrier driver in connection with providing a prearranged ride and is:

(a) owned, leased, or otherwise authorized for use by the transportation network carrier driver; and

(b) not a taxicab, limousine, or for-hire vehicle.

(16) "Prearranged ride" means transportation provided by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network carrier, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or other for-hire vehicle pursuant to Title 69, chapter 12."

Renumber: subsequent subsections

6. Page 6, line 19.
Following: "drivers."
Insert: "A transportation network carrier shall not be deemed to control, direct, or manage the personal vehicles or transportation network carrier drivers that connect to its digital network, except where agreed to by written contract."

7. Page 6, line 20.
Following: "driver""
Insert: "or "driver""

8. Page 6, line 20 through line 23.
Following: "who"
Strike: "operates" on line 20 through "services." on line 23
Insert: ": (a) receives connections to potential riders and related services from a transportation network carrier in exchange for payment of a fee to the transportation network carrier; and

(b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network carrier in return for compensation or payment of a fee.

(22) "Transportation network carrier rider" or "rider" means an individual or persons who use a transportation network carrier's digital network to connect with a transportation network carrier driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider."

9. Page 6, line 26 through page 7, line 1.
Following: "application." on page 6, line 26
Strike: remainder of line 26 through page 7, line 1

10. Page 18, line 18.
Strike: "3"
Insert: "6"

11. Page 18, line 20.
Strike: "3"
Insert: "6"

And, as amended, do pass. Report adopted.

SB 401, introduced bill, be amended as follows:

1. Title, line 5 through line 7.
Strike: "ALLOWING" on line 5 through "PROGRAM;" on line 7

2. Title, page 1, line 10 through line 12.
Following: "FEES"
Strike: remainder of line 10 through "DEPOSIT" on line 12

3. Title, page 1, line 12.
Following: "23-3-405,"
Insert: "AND"
Strike: "AND 23-3-601,"

4. Title, page 1, line 13.
Strike: "AND"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "23-3-502,"
Insert: "23-3-601, AND 23-3-602,"
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

5. Page 1, line 18.
Strike: "designate in writing"
Insert: "appoint"

6. Page 1, line 19.
Strike: "written"
Following: "authority"
Insert: "granted by the department"

7. Page 2, line 1 through line 2.
Strike: "(a)" on line 1 through "the" on line 2
Insert: "The"

8. Page 2, line 4.
Following: "state."
Insert: "The department may accept private donations for the costs of administering the boxing program. Donations received by the department for this purpose must be deposited in the state special revenue fund for the use of the boxing program."

9. Page 2, line 5 through line 7.
Strike: subsection (b) in its entirety

10. Page 2, line 22.
Strike: "administered within 1 year prior to the event"

11. Page 2, line 27 through line 30.
Following: "community."

Strike: "Rules" on line 27 through the end of line 30

12. Page 4, line 10 through line 12.
Following: "~~department~~"
Strike: remainder of line 10 through line 12
Insert: "as provided in 37-1-134, set by the department."

13. Page 4, line 14 through line 27.
Strike: section 5 in its entirety

"NEW SECTION. **Section 5. Event license required -- fee -- rulemaking.** (1) A professional boxing event may not be conducted without a license issued pursuant to this section.

(2) Only a licensed promoter may apply for an event license. An event may consist of one or more bouts or matches between contestants conducted within a 24-hour period.

(3) The department shall establish the fee for an event license by rule.

(a) The license fee must be adequate to fund the expenses and expenditures of the department that are reasonably attributable to the licensing and regulation of the event that is licensed.

(b) The rule may specify that the fee charged may vary from event to event, based upon the location and nature of the event being licensed, and the relative level of expense involved with adequately regulating the specific event.

(c) The department may, by rule, allow the promoter to decrease the amount of the license fee payable to the department by directly contracting for, or otherwise obtaining, certain services incident to the proper regulation of the event.

(4) The department may, by rule, specify the timing of the payment of the event license fee, and may require that some or all of the license fee be paid in advance of the event. The department shall obtain reasonable sureties or security to guarantee the payment of the full amount of the event license fee by the promoter.

14. Page 4, line 29.
Strike: "section"
Insert: "sections"
Strike: "is"
Insert: "are"

15. Page 5.
Following: line 1
Insert: "23-3-601 Report of ticket sales –- tax on gross receipts –- disposition of money received.

23-3-602. Examination of books and records on failure to make report or on unsatisfactory report –- penalty for failure to pay tax.

"NEW SECTION. **Section 7. Codification instruction.** [Section 5] is intended to be codified as an integral part of Title 23, chapter 3, and the provisions of Title 23, chapter 3, apply to [section 5]."

"NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2015."

And, as amended, do pass. Report adopted.

HB 554, be amended as follows:

1. Page 1, line 27.
Following: "approved,"
Insert: "registered,"

2. Page 2, line 1.
Following: "approved,"
Insert: "registered,"

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Dick Barrett moved to change his vote on **HB 315** from Yes to No. Without objection, so ordered.

Majority Leader Rosendale moved **SB 394** and **SB 395** be re-referred from the second-reading board to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Friday, March 27, 2015, the sixty-fourth legislative day. Motion carried.

Senate adjourned at 3:00 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 27, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 3/27/2015
Correctly printed: **SB 393**, **SB 398**, **SB 399**, **SB 405**, **SB 418**, **SB 420**, **SR 48**, **SR 49**, **SJ 22**, **HB 68**, **HB 99**, **HB 209**, **HB 211**, **HB 228**, **HB 256**, **HB 259**, **HB 288**, **HB 290**, **HB 331**, **HB 342**, **HB 363**, **HB 431**, **HB 447**, **HB 448**, **HB 460**, **HB 516**, **HB 529**, **HB 542**, **HB 555**, **HB 564**, **HB 575**, **HB 578**, **HB 580**, **HJ 14**.
Correctly engrossed: **SB 396**, **SB 401**, **SB 410**, **SB 411**, **SB 415**, **HB 324**, **HB 536**, **HB 554**, **HB 573**.
Correctly enrolled: **SB 8**, **SB 200**, **SB 321**, **SB 338**.
Examined by the sponsor and found to be correct: **SB 79**, **SB 188**, **SR 3**, **SR 13**, **SR 20**, **SR 27**, **SR 28**.
Transmitted to the House: **SB 375**, **HB 111**, **HB 168**, **HB 315**, **HB 537**, **HB 550**.
Signed by the Secretary of the Senate at 6:10 p.m., March 27, 2015: **SB 79**, **SB 188**, **SR 3**, **SR 13**,**SR 20**, **SR 27**, **SR 28**.
Signed by the President at 9:15 a.m., March 27, 2015: **SB 42**, **SB 109**, **SB 141**, **SB 174**, **SB 184**, **SB 196**, **SB 332**.
Signed by the Speaker at 11:00 a.m., March 27, 2015: **SB 42**, **SB 109**, **SB 141**, **SB 174**, **SB 184**, **SB 196**, **SB 332**.
Delivered to the Governor at 12:44 p.m., March 27, 2015: **SB 42**, **SB 109**, **SB 141**, **SB 174**, **SB 184**, **SB 196**, **SB 332**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/26/2015
HB 478, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/27/2015
SB 415, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "BENEFITS;"
Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 25.

Strike: "6"
Insert: "7"

3. Page 4, line 12.
Strike: "1%"
Insert: "0.33%"

4. Page 4.
Following: line 27
Insert: "NEW SECTION. **Section 7. Department -- rulemaking.** The department may adopt rules to implement [sections 1 through 5]."
Renumber: subsequent sections

5. Page 5, line 6.
Following: "(2)"
Insert: "(a)"

Strike: "The"
Insert: "If the balance of the presumptive disease compensation fund provided for in [section 5] does not exceed $1 million, the"

6. Page 5, line 7.
Strike: "(a)"
Insert: "(i)"
Strike: "1.5%"
Insert: "2.17%"

7. Page 5, line 8.
Strike: "(b)"
Insert: "(ii)"
Strike: "1%"
Insert: "0.33%"

8. Page 5.
Following: line 8
Insert: "(b) If the balance of the presumptive disease compensation fund provided for in [section 5] exceeds $1 million, the 2.5% tax collected under subsection (1) must be deposited into the general fund."

9. Page 5, line 24.
Strike: "6"
Insert: "7"

10. Page 5, line 25.
Strike: "6"

Insert: "7"

And, as amended, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 3/26/2015
SR 43, preliminary report. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 3/27/2015
SB 194, do pass. Report adopted.
SB 399, do pass. Report adopted.
SB 410, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "TAXPAYER-DIRECTED TAX PAYMENTS"
Insert: "DONATIONS"
Strike: "FOR DONATIONS TO"

2. Page 1, line 20.
Following: "programs."
Insert: "The tax credit for taxpayer donations under [sections 1 through 6] must be administered in compliance with Article V, section 11(5), and Article X, section 6, of the Montana constitution."

3. Page 3, line 26 through line 27.
Strike: "money directed by taxpayers"
Insert: "donations"

4. Page 3, line 29.
Following: "school"
Insert: "district"
Strike: "school's"
Insert: "school district's"

5. Page 3, line 30.
Strike: "school's"
Insert: "school district's"

6. Page 4, line 5.
Strike: "number of grades"
Insert: "average number belonging"

7. Page 4, line 8.
Following: "used."
Insert: "If a taxpayer specifies that an allocation is to be used in a:
(i) geographic region, the allocation may not be used in a large district; and

(ii) large district, the allocation may not be used in a geographic region."

8. Page 4, line 10.
Following: "."
Insert: "Each district shall report the expenditure of supplemental funding for specific schools to the superintendent of public instruction."

9. Page 4, line 16.
Strike: "Taxpayer" through "[section 13]."
Insert: "The department shall accept donations for the purpose of funding innovative educational programs and deposit the donations into the account. The department shall preapprove tax credits for donations as provided in [section 13]."

10. Page 4, line 26.
Following: "programs."
Insert: "The tax credit for taxpayer donations under [sections 7 through 17] must be administered in compliance with Article V, section 11(5), and Article X, section 6, of the Montana constitution."

11. Page 8, line 1 through line 2.
Strike: "**-- directed tax payment**"

12. Page 8, line 3.
Strike: "taxpayer-directed tax payments"
Insert: "donations made"

13. Page 8, line 5.
Strike: "donor"
Insert: "taxpayer"

14. Page 8, line 6.
Strike: "a contribution"
Insert: "the donation"
Following: "district"
Insert: "as provided in [section 4(2)(b)]"

15. Page 8, line 6 through line 7.
Strike: "for the taxpayer-directed tax payment"

16. Page 8, line 11.
Strike: "contribution"
Insert: "donation"

17. Page 8, line 16.
Strike: "directed tax payment"

Insert: "donation"

18. Page 8, line 17.
Strike: "taxpayer-directed tax payments"
Insert: "tax credits"

19. Page 8, line 19 through line 20.
Strike: "directed tax payments"
Insert: "donations"

20. Page 8, line 21.
Strike: "directed tax payments"
Insert: "tax credits"

21. Page 8, line 22.
Following: "amount of"
Insert: "tax"

22. Page 8, line 24.
Strike: "directed tax payment"
Insert: "donation"
Strike: "directed tax payments"
Insert: "donations"

23. Page 8, line 29 through line 30.
Strike: subsection (c) in its entirety

24. Page 9, line 8.
Strike: "donors"
Insert: "taxpayers"

25. Page 9, line 9.
Strike: "contribution"
Insert: "donation"

26. Page 10, line 6 through line 9.
Strike: subsection (c) in its entirety

27. Page 11, line 23.
Strike: "directed tax payments"
Insert: "donations"

28. Page 11, line 30 through page 12, line 1.
Strike: "**-- directed tax payment**"

29. Page 12, line 2.
Strike: "taxpayer-directed tax payment"
Insert: "donation made"

30. Page 12, line 9.
Strike: "**directed**"
Strike: "**payment**"
Insert: "**credit**"

31. Page 12, line 10.
Strike: "taxpayer-directed tax payment"
Insert: "donation made"

And, as amended, do pass. Report adopted.

SB 411, introduced bill, be amended as follows:

1. Page 1, line 25.
Strike: "July 1, 2016,"
Insert: "December 31, 2016,"

2. Page 2, line 21 through line 25.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

3. Page 10, line 5.
Strike: "June 30, 2016"
Insert: "December 31, 2016"

4. Page 10, line 22.
Strike: "June 30, 2016"
Insert: "December 31, 2016"

And, as amended, do pass. Report adopted.

SB 416, introduced bill, be amended as follows:

1. Page 3, line 24.
Following: line 23
Insert: "(6) Infrastructure projects related to exploration or natural resource impacts have priority over other projects."
Renumber: subsequent subsections

2. Page 4, line 20.
Following: "restoration;"

Insert: "and"

3. Page 4, line 21.
Strike: subsection (d) in its entirety
Renumber: subsequent subsections

4. Page 5, line 2.
Strike: "construction"
Insert: "improvement"

5. Page 5, line 5.
Strike: "construction"
Insert: "improvement"

6. Page 8, line 25.
Following: "revenue"
Insert: ", including transfers in,"

7. Page 9, line 1.
Following: "revenue"
Insert: ", including transfers in,"

8. Page 9, line 5.
Following: "year 2016"
Insert: ", including transfers in,"

9. Page 9, line 10.
Following: "year 2016"
Insert: ", including transfers in,"

10. Page 10, line 23.
Following: "revenue"
Insert: ", including transfers in,"

11. Page 10, line 28.
Following: "revenue"
Insert: ", including transfers in,"

12. Page 11, line 3.
Following: "year 2016"
Insert: ", including transfers in,"

13. Page 11, line 9.
Following: "revenue"
Insert: ", including transfers in,"

14. Page 14, line 3.
Following: "revenue"
Insert: ", including transfers in,"

15. Page 14, line 7.
Following: "revenue"
Insert: ", including transfers in,"

16. Page 14, line 11.
Following: "year 2016"
Insert: ", including transfers in,"

17. Page 14, line 15.
Following: "revenue"
Insert: ", including transfers in,"

And, as amended, do pass. Report adopted.

SB 420, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 3/26/2015
SB 403, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

March 26, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Thursday, March 26, 2015, I signed the following bill:

Senate Bill 82 - B. Hamlett

This bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/26/2015

SB 8, introduced by R. Webb
SB 200, introduced by D. Ankney
SB 321, introduced by M. Blasdel
SB 338, introduced by E. Arntzen

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/26/2015

SB 48, introduced by C. Vincent

Senate amendments to House bill concurred in: 3/26/2015

HB 513, introduced by A. Person

House bills passed and transmitted to the Senate for concurrence: 3/26/2015

HB 156, introduced by M. Miller
HB 245, introduced by N. Ballance
HB 368, introduced by G. Hertz
HB 379, introduced by G. Hertz
HB 479, introduced by A. Olszewski

MOTIONS

Senator Sales moved **SB 417** be moved from the Judiciary Committee to the Finance and Claims Committee. Without objection, so ordered.

Senator Sales moved to change his third-reading vote the previous legislative day on **SB 375** from No to Yes. Without objection, so ordered.

Senator Blasdel moved that **SB 193** be taken from Finance and Claims and brought before the Committee of the Whole on the sixty-fifth day, March 28, 2015. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Hamlett, Hoven, Jones, Kaufmann, Keenan, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Brenden, Driscoll, Fielder, Hansen, Hinkle, Howard, Kary, Keane, Larsen, Moore, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Vance, Webb, Ms. President.

Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hansen moved to reconsider action on **HB 363,** scheduled for third reading this date, and that **HB 363** be placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Webb, Windy Boy, Ms. President.
Total 22

Nays: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Vincent, Vuckovich, Whitford, Wolken.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hoven moved to reconsider the indefinite postponement of **HB 297** and that **HB 297** be brought before the Committee of the Whole the next legislative day. Motion carried as follows:

Yeas: Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 27

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Ms. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Driscoll moved that **SB 352** be taken from Judiciary and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy.
Total 23

Nays: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Wolken, Ms. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 156, introduced by M. Miller, referred to Taxation.
HB 245, introduced by N. Ballance, D. Brown, M. Caferro, E. Greef, S. Hess, D. Mortensen, R. Pinocci, K. Wagoner, referred to Agriculture, Livestock and Irrigation.
HB 368, introduced by G. Hertz, S. Fitzpatrick, D. Lamm, D. Moore, K. Regier, S. Staffanson, D. Zolnikov, referred to Taxation.
HB 379, introduced by G. Hertz, referred to Taxation.
HB 479, introduced by A. Olszewski, E. Arntzen, N. Ballance, G. Bennett, S. Berglee, J. Brenden, B. Brown, D. Brown, T. Burnett, A. Doane, R. Ehli, C. Fiscus, C. Glimm, K. Hansen, S. Hess, D. Howard, A. Knudsen, M. Monforton, D. Mortensen, M. Noland, R. Osmundson, R. Pinocci, K. Regier, T. Richmond, M. Rosendale, C. Smith, N. Swandal, J. Taylor, F. Thomas, B. Tschida, R. Webb, J. Windy Boy, referred to Public Health, Welfare and Safety.

MOTIONS

Senator Hamlett moved that **SB 291** be taken from Judiciary and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sales in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 405 - Senator Sesso moved consideration of **SB 405** be placed at the top of the second reading board. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 405 - Senator Buttrey moved **SB 405** do pass.

SB 405 - Senator Buttrey moved **SB 405**, second reading copy, be amended as follows:

1. Page 3, line 26.

Strike: "and"

2. Page 3, line 27.
Strike: "as directed by the department"
Insert: "; and
(f) helping to administer the medicaid program reforms as specified in [section 8]"

3. Page 6, line 12.
Strike: "primary care"
Insert: "health care"
Following: "provider"
Insert: "or third-party administrator"

4. Page 7.
Following: line 25
Insert: "(2) The department may ask a third-party administrator under contract with the department to assist in efforts undertaken pursuant to subsection (1) when the activity can appropriately be handled by the third-party administrator."
Renumber: subsequent subsection

5. Page 8, line 1.
Following: "corrections"
Strike: ","
Insert: "and"
Strike: ", and local governments"

6. Page 8, line 6.
Following: "corrections;"
Insert: "or"

7. Page 8, line 7 through line 8.
Strike: subsection (b) through subsection (c) in their entirety
Renumber: subsequent subsection

8. Page 16, line 12.
Strike: "(a)"

9. Page 16, line 13.
Following: "services of"
Insert: "all"

10. Page 16, line 16 through line 18.
Strike: subsection (b) in its entirety

11. Page 16, line 19.

Following: "11"
Insert: ", 19, 20,"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Keenan, Sales, Vance.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 405 - Senator Keenan moved **SB 405**, second reading copy, be amended as follows:

1. Page 3, line 17.
Following: "meets the"
Insert: "nonincome"
Following: "42 U.S.C. 1396a(a)(10)(A)(i)(VIII)"
Insert: "and the individual's income does not exceed 100% of the federal poverty level"

2. Page 5, line 14 through line 15.
Strike: "**-- nonpayment**" on line 14 through "**exemptions**" on line 15

3. Page 5, line 22.
Strike: "with an income of 100% of the federal poverty level or less"

4. Page 5, line 28 through page 6, line 25.
Strike: subsection (4) through subsection (7) in their entirety

5. Page 13, line 2 through line 3.
Strike: subsection (2)(c) in its entirety

Amendment **not** adopted as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Thomas, Vance, Vincent, Webb, Ms.

President.
Total 21

Nays: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 405 - Senator Thomas moved **SB 405**, second reading copy, be amended as follows:

1. Title, page 1, line 12.
Following: "COMMITTEE;"
Insert: "REQUIRING THAT WAITING LISTS FOR CERTAIN MEDICAID WAIVER SERVICES BE REDUCED;"

2. Page 14, line 21.
Following: line 21
Insert: "NEW SECTION. **Section 20. Reduction in waiting lists required.** The department shall reduce by one-half the number of individuals who have been placed on waiting lists to receive services under the following home and community-based services waiver programs:

(1) the supports for community working and living waiver in the developmental services division of the department;

(2) the 0208 comprehensive waiver in the developmental services division of the department;

(3) the severe and disabling mental illness waiver in the addictive and mental disorders division of the department; and

(4) the Montana big sky waiver in the senior and long term care division of the department."
Renumber: subsequent sections

3. Page 16, line 4.
Strike: "20"
Insert: "21"

4. Page 16, line 10.
Strike: "20"
Insert: "21"

5. Page 16, line 19.
Strike: "21"
Insert: "22"

Amendment **not** adopted as follows:

Yeas: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 20

Nays: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 405 - Senator Thomas moved **SB 405**, second reading copy, be amended as follows:

1. Title, page 1, line 12.
Following: "COMMITTEE;"
Insert: "PROVIDING REQUIREMENTS REGARDING REDUCTIONS IN UNCOMPENSATED CARE;"

2. Page 10, line 17.
Strike: "and"
Insert: ","
Following: "[sections 14 through 17]"
Insert: ", and [section 20]"

3. Page 14, line 22.
Insert: "NEW SECTION. **Section 20. Uncompensated care -- reports -- reduction in costs -- rulemaking.** (1) A health care provider participating in the third-party arrangement under the Montana Health and Economic Livelihood Partnership Act provided for in [sections 1 through 13] and [sections 14 through 17] shall:

(a) annually report to the state auditor's office the amount of reimbursement that the provider received for health care services provided through participation in the act that would have otherwise been uncompensated; and

(b) dedicate one-half of that amount to reducing the health care costs of patients with private health insurance in a manner approved by the state auditor's office.

(2) The state auditor shall administer this section and may adopt rules to administer this section, including but not limited to rules:

(a) regarding reporting requirements; and

(b) approving methods for reducing health care costs of individuals with private insurance.

(3) The state auditor shall submit a report to the 2017 legislature and shall report to the legislative audit committee regarding the administration of this section."

Renumber: subsequent sections

4. Page 16, line 3.
Insert: "(5) [Section 20] is intended to be codified as an integral part of Title 33, chapter 1, and the provisions of Title 33, chapter 1, apply to [section 20]."

5. Page 16, line 4.
Strike: "20"
Insert: "21"

6. Page 16, line 10.
Strike: "20"
Insert: "21"

7. Page 16, line 19.
Strike: "21"
Insert: "22"

Amendment **not** adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hamlett, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 23

Nays: Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 405 - Senator Hansen moved **SB 405**, second reading copy, be amended as follows:

1. Page 16, line 7.
Strike: "Except as provided in subsection (2), it"
Insert: "It"

2. Page 16, line 10.
Strike: subsection (2) in its entirety

Amendment **not** adopted as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Nays: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 405 - Senator Buttrey moved **SB 405**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 503 - Senator Thomas moved **HB 503** be concurred in.

HB 503 - Senator Thomas moved **HB 503**, second reading copy, be amended as follows:

1. Page 1, line 22.
Strike: "20"
Insert: "10"

2. Page 3, line 7.
Strike: "20"
Insert: "10"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 503 - As amended, **HB 503** was concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 251 - Senator Driscoll moved **HB 251** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, T. Brown, Caferro, Cohenour, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Kary, Kaufmann, Keane, Larsen, Moe, Moore, Rosendale, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Webb, Windy Boy, Wolken, Ms. President.
Total 29

Nays: Arntzen, Brenden, Buttrey, Connell, Facey, Hinkle, Jones, Keenan, Malek, McNally, Phillips, Pomnichowski, Ripley, Sales, Sands, Smith, Taylor, Vance, Vincent, Vuckovich, Whitford.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 402 - Senator Ankney moved **SB 402** do pass.

SB 402 - Senator Stewart-Peregoy moved **SB 402**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Following: "UNIT;"
Insert: "REQUIRING ENTITIES TO PROVIDE A RETIREMENT PLAN AND FINANCIAL IMPACT STATEMENT; ESTABLISHING REQUIREMENTS FOR THE FINANCIAL IMPACT STATEMENT; ESTABLISHING FEES FOR CONSULTANTS FOR THE REVIEW OF A STATEMENT; REQUIRING THE PUBLIC SERVICE COMMISSION TO APPROVE OR MODIFY AN IMPACT STATEMENT;"

2. Title, page 1, line 9 through line 11.
Strike: "ACQUIRING" on line 9 through "OR WHEN" on line 11

3. Title, page 1, line 11 through line 12.
Following: "UNIT;" on line 11
Strike: "REQUIRING" on line 11 through "DETERMINE THE" on line 12
Insert: "ESTABLISHING AN"

4. Title, page 1, line 12.
Strike: "VERIFIED AND"

5. Title, page 1, line 14.
Following: "GENERAL FUND"
Strike: "AND"
Insert: ","
Following: "A PORTION"
Strike: "OF THE FEE"
Following: "CERTAIN COUNTIES"
Insert: ", A PORTION TO SCHOOL DISTRICTS, AND A PORTION TO CERTAIN TRIBAL GOVERNMENTS"
Following: "REQUIRING"
Strike: "COUNTIES"
Insert: "ENTITIES"

6. Title, page 1, line 15.
Following: "TO ESTABLISH"
Strike: "AN"
Strike: "TRUST ACCOUNT"
Insert: "ACCOUNTS"

7. Title, page 1, line 16.
Strike: "TRUST ACCOUNT"
Insert: "ACCOUNTS"

8. Title, page 1, line 17 through line 18.
Strike: "REQUIRING" on line 17 through "CIRCUMSTANCES;" on line 18

9. Title, page 1, line 25 through line 26.
Strike: "REQUIRING" on line 25 through "UNITS;" on line 26

10. Title, page 1, line 28.
Following: "~~15-72-106,~~"
Insert: "69-1-114, 69-1-402,"
Following: "69-8-426,"
Insert: "90-1-135"

11. Page 2, line 4.
Strike: "10"
Insert: "11"

12. Page 2, line 7.
Strike: "10"
Insert: "11"

13. Page 2, line 8.
Following: "state"

Insert: ", county, tribal,"

14. Page 2, line 11.
Following: "local schools,"
Insert: "tribal governments,"

15. Page 2, line 17.
Following: "state"
Insert: ", county, tribal,"
Strike: "10"
Insert: "11"

16. Page 2, line 21.
Strike: "10"
Insert: "11"

17. Page 3, line 5.
Strike: "(6)"
Insert: "(5)"

18. Page 3, line 9 through line 17.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

19. Page 3, line 19.
Strike: "a tribal government,"

20. Page 3, line 26.
Following: "Montana"
Insert: "within a 100-mile radius of a county where a coal-fired generating facility or unit is located"

21. Page 3, line 28 through page 4, line 2.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

22. Page 4, line 3 through line 4.
Strike: "does not" on line 3 through "acquisition costs but" on line 4

23. Page 4, line 11.
Strike: "10"
Insert: "11"

24. Page 4.
Following: line 15

Insert: "NEW SECTION. **Section 5. Retirement plan -- financial impact statement.** (1) An electrical company, electricity supplier, public utility, or combination of those entities that provides the commission with notice in accordance with [section 4] and plans to retire a coal-fired generating facility shall submit the following information to the commission:

(a) a description of the retirement plan for the coal-fired generating facility;

(b) a financial impact statement that includes:

(i) the annual estimated impact, expressed in dollars annually, to the state, to tribal governments, and to the county where the coal-fired generating facility is located;

(ii) consideration of impacts to the tax base, workforce, education, infrastructure, and tribal governments; and

(iii) economic development opportunities; and

(c) any other information the commission requires.

(2) (a) If the commission receives information pursuant to subsection (1), the commission shall accept public comment on the information. To allow for public comment, the commission may hold a public hearing.

(b) The commission may select and retain a person or organization to act as an independent consultant for the commission's analysis of a retirement plan and financial impact statement in accordance with subsection (5).

(3) A financial impact statement may not be approved unless the commission determines that the financial impact statement is in the public interest. The commission shall make the determination by considering:

(a) long-term and short-term impacts;

(b) risks; and

(c) other factors determined by the commission to be relevant.

(4)(a) Except as provided in subsection (4)(b), within 180 days of receiving the information required pursuant to subsection (1), the commission shall:

(i) review a retirement plan and approve a financial impact statement that meets the requirements of subsection (3); or

(ii) suggest modifications to the retirement plan and require modifications to the financial impact statement in order to meet the requirements of subsection (3).

(b) The commission may extend the time period in subsection (4)(a) to provide the commission with adequate time to analyze the information provided in accordance with subsection (1). The time period may not be extended by more than 180 days.

(5) An independent consultant must have demonstrated knowledge and experience relevant to the purpose of reviewing a retirement plan and financial impact statement. The commission shall charge a fee to the electrical company, electricity supplier, public utility, or combination of entities to pay for the costs of consultants or advisory services.

(6) By March 31, 2016, the commission shall adopt rules prescribing minimum requirements for a retirement plan and financial impact statement pursuant to this part."
Renumber: subsequent sections

25. Page 4, line 17 through page 5, line 5.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

26. Page 5, line 6.
Strike: "(a)"
Strike: "[section 8]"
Insert: "subsection (2)(b)"

27. Page 5, line 7 through line 8.
Strike: "but" on line 7 through "costs" on line 8

28. Page 5, line 9.
Strike: "jointly"

29. Page 5, line 9 through line 10.
Strike: "in accordance" on line 9 through "(2)(c)" on line 10
Insert: "of $5 million"

30. Page 5, line 10.
Strike: "10"
Insert: "20"

31. Page 5, line 11.
Strike: "jointly"

32. Page 5.
Following: line 13
Insert: "(2)(a) If the retirement plan and financial impact statement conducted in accordance with [section 5] finds that the annual impact is greater than $5 million, the electrical company, electricity supplier, public utility, or combination of entities is subject to a coal county impact fee equal to the amount of the impact determined pursuant to the financial impact statement completed in accordance with [section 5].

(b) If an electrical company, electricity supplier, public utility, or combination of those entities has been paying an impact fee less than the amount determined pursuant to the financial impact statement completed in accordance with [section 5], the electrical company, electricity supplier, public utility, or combination of those entities shall pay the difference within 5 years."

33. Page 5, line 14 through page 6, line 4.
Strike: "(b)" on page 5, line 14 through "years." on page 6, line 4

34. Page 6, line 8.
Strike: "[section 5]"
Insert: "[section 6]"

35. Page 6, line 12.
Strike: "subsection"
Insert: "subsections"

Following: "(2)(b)"
Insert: " through (2)(d)"
Strike: "[section 5]"
Insert: "[section 6]"

36. Page 6, line 14.
Strike: "50%"
Insert: "25%"

37. Page 6, line 15.
Strike: "trust"
Strike: "[section 7]"
Insert: "[section 8]"

38. Page 6.
Following: line 17
Insert: "(c) In fiscal year 2016 and in each succeeding fiscal year, 25% of all money received pursuant to subsection (1) must be deposited in the coal county school district account established in [section 9] in the county in which the coal-fired generating facility or unit owned by the electrical company, electricity supplier, or public utility is located.
(d) In fiscal year 2016 and in each succeeding fiscal year, 25% of all money received pursuant to subsection (1) must be deposited in the special revenue account established in 90-1-135 and used in accordance with [section 10]."

39. Page 6, line 19.
Strike: "to the county"
Strike: "coal county trust account"
Insert: "accounts"
Strike: "[section 7]"
Insert: "[sections 8, 9, and 10]"

40. Page 6, line 21.
Strike: "**trust**"

41. Page 6, line 22.
Strike: "trust"

42. Page 6, line 23 through line 28.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

43. Page 6, line 29 through page 7, line 1.
Strike: "If" on page 6, line 29 through "and" on page 7, line 1
Insert: "The county"

44. Page 7, line 1.
Strike: "remaining"
Strike: "trust"

45. Page 7, line 3.
Strike: "described in subsection (2)"

46. Page 7, line 12.
Strike: "described in subsection (2)"

47. Page 7, line 14.
Strike: "described in subsection (2)"

48. Page 7, line 17.
Strike: "(3)(b)"
Insert: "(2)(b)"
Strike: "trust"

49. Page 7, line 19.
Strike: "trust"

50. Page 7.
Following: line 20
Insert: "NEW SECTION. **Section 9. Coal county school district accounts -- expenditures restrictions.** (1) The county treasurer shall:

(a) keep the impact fee received in accordance with [section 7(2)(c)] in a separate coal county school district account and keep a separate account of its disbursement to the several school districts that are entitled to receive it; and

(b) notify the county superintendent of the amount of the impact fee in the county treasury for disbursement to the districts.

(2) The impact fee must be shared equally among the school districts in the county where the coal-fired generating facility is located that are eligible to receive an impact fee in accordance with [section 7(2)(c)].

(3) Money held in the coal county school district account may not be considered as cash balance for the purpose of reducing mill levies.

(4) The districts may use the funds in the accounts proportionally for educational purposes in accordance with the provisions of law. Interest and income from the investment of funds in the account must be credited to the account."

Insert: "NEW SECTION. **Section 10. State-coal county tribal government cooperation.** The state-tribal economic development commission established in 90-1-131 in coordination with the state director of Indian affairs provided for in 2-15-217 and a tribal government as defined in [section 3] shall determine how to distribute an impact fee to affected tribal governments to compensate for impacts by the retirement of a coal-fired generating facility or unit."

51. Page 7, line 22 through page 9, line 2.
Strike: section 8 through section 9 in their entirety
Renumber: subsequent sections

52. Page 9, line 5.
Strike: "incurs" through "and"

53. Page 9, line 6 through line 7.
Strike: "that incurs" on line 6 through "costs is" on line 7
Insert: "remains"

54. Page 9.
Following: line 29
Insert: "Section 12. Section 69-1-114, MCA, is amended to read:

"69-1-114. Fees. (1) Each fee charged by the commission must be reasonable.

(2) Except for a fee assessed pursuant to [section 5(5)], 69-3-204(2), 69-8-421(10), or 69-12-423(2), a fee set by the commission may not exceed $500.

(3) All fees collected by the department under 69-8-421(10) must be deposited in an account in the special revenue fund. Funds in this account must be used as provided in 69-8-421(10).

(4) All fees collected by the department under [section 5(5)] must be deposited in an account in the special revenue fund. Funds in this account must be used as provided in [section 5]."

Insert: "Section 13. Section 69-1-402, MCA, is amended to read:

"69-1-402. Funding of department of public service regulation. (1) All fees collected under this section and any other fees, except as provided in 69-1-114(3) or (4), must be deposited in an account in the state special revenue fund to the credit of the department. An appropriation to the department may consist of a base appropriation for regular operating expenses and a contingency appropriation for expenses due to an unanticipated caseload.

(2) In addition to all other licenses, fees, and taxes imposed by law, all regulated companies shall, within 30 days after the close of each calendar quarter, pay to the department of revenue a fee based on a percentage of gross operating revenue reported pursuant to 69-1-223(2)(a), as determined by the department of revenue under 69-1-403.

(3) The amount of money that may be raised by the fee on the regulated companies during a fiscal year may not be increased, except as provided in 69-1-224(1)(c), from the amount appropriated to the department by the legislature for that fiscal year, including both base and contingency appropriations. Any additional money required for operation of the department must be obtained from other sources in a manner authorized by the legislature.""
Renumber: subsequent sections

55. Page 14, line 26.
Following: "69-3-2003(13)(b);"
Insert: "or"

56. Page 14, line 27.

Strike: "; or"
Insert: "."

57. Page 14, line 28 through line 30.
Strike: subsection (iii) in its entirety

58. Page 16, line 29 through line 30.
Strike: "**-- coal fired**" on line 29 through "**costs**" on line 30

59. Page 16, line 30.
Strike: ":"

60. Page 17, line 1 through line 2.
Strike: "(1)" on line 1 through "(2)" on line 2

61. Page 17, line 2.
Strike: "[section 5]"
Insert: "[section 6]"

62. Page 17, line 13.
Strike: "[section 5]"
Insert: "[section 6]"

63. Page 17.
Following: line 13
Insert: "Section 18. Section 90-1-135, MCA, is amended to read:

"90-1-135. Special revenue accounts. (1) There is an account in the state treasury for the receipt of state and private funds and an account in the state treasury for the receipt of federal funds for expenditure by the state-tribal economic development commission established in 90-1-131.

(2) ~~Money~~ Except as provided in subsection (4), money in the accounts established in subsection (1) must be used to pay:

(a) the commission's administrative costs;

(b) the salary, benefits, and administrative expenses of the tribal business center coordinator and the federal grants coordinator; and

(c) the costs of conducting or commissioning and periodically updating or otherwise modifying a comprehensive assessment of economic development needs and priorities on each of the Indian reservations in the state.

(3) ~~Money~~ Except as provided in subsection (4), money in the accounts that is not expended for the purposes identified in subsection (2) may be used for other purposes that the commission considers prudent or necessary.

(4) Money deposited in the account in accordance with [section 7(2)(d)] must be used in accordance with [section 10].

~~(4)~~(5) Interest and income earned on the money in the accounts must be deposited in the accounts for the commission's use and for use in accordance with subsection (4).""

Renumber: subsequent sections

64. Page 18, line 6 through line 8.
Strike: "or are needed" on line 6 through "is pending" on line 8

65. Page 18, line 29.
Strike: "10"
Insert: "11"

66. Page 18, line 30.
Strike: "10"
Insert: "11"

67. Page 19, line 1.
Strike: "13"
Insert: "16"

68. Page 19, line 2.
Strike: "13"
Insert: "16"

69. Page 19, line 20.
Strike: "eligible"
Insert: "the retirement of a"

70. Page 19, line 21.
Strike: "acquisition costs"

Amendment **not** adopted as follows:

Yeas: Barrett Dick, D. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Nays: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 402 - Thereupon, the Senate reverted to the original motion of Senator Ankney which passed as follows:

Yeas: Ankney, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Keane, Larsen, Moore, Ripley, Sales, Sesso, Smith, Swandal, Tutvedt, Vance, Vincent, Vuckovich.
Total 26

Nays: Arntzen, Barrett Dick, D. Brown, Cohenour, Driscoll, Facey, Hoven, Kaufmann, Keenan, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Stewart-Peregoy, Taylor, Thomas, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 157 - Senator Tutvedt moved **SB 157** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Stewart-Peregoy, Taylor, Vance, Webb, Whitford, Windy Boy, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 264 - Senator Keenan moved **SB 264** do pass.

SB 264 - Senator Hansen moved **SB 264**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 2, line 10.
Following: "fund."
Insert: "(3) An entity receiving sales and use tax proceeds as provided in subsections (1)(a) through (1)(g) shall report biennially to the interim committee with monitoring duties for the entity. The report must include the amount spent, the projects funded, the progress made in achieving the goals of the funded projects, and administrative costs."

3. Page 2, line 21.
Following: line 20
Insert: "NEW SECTION. **Section 5. Termination.** [This act] terminates July 1, 2021."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 264 - Senator Keenan moved **SB 264**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 41

Nays: Arntzen, D. Brown, T. Brown, Buttrey, Hoven, Jones, Sales, Vincent, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 290 - Senator Keane moved **SB 290** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Jones, Kary, Keane, Larsen, McNally, Moe, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Nays: Arntzen, Barrett Dick, Brenden, Fielder, Hansen, Howard, Kaufmann, Keenan, Malek, Moore, Phillips, Pomnichowski, Rosendale, Sales, Swandal, Taylor, Thomas, Vincent, Webb, Ms. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 392 - Senator D. Brown moved **SB 392** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Ripley, Sales, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Ms. President.
Total 27

Nays: Arntzen, Barrett Dick, Brenden, Cohenour, Driscoll, Fielder, Howard, Kaufmann, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Swandal, Vincent, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Swandal, Taylor,

Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Arntzen, Blasdel, Brenden, Fielder, Keenan, Rosendale, Sales, Smith, Stewart-Peregoy, Vance, Vincent, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 393 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 99 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Blasdel, D. Brown, Fielder, Hinkle, Kary, Keenan, Rosendale, Smith, Thomas, Vance,

Vincent, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 259 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 324 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 363 concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken.
Total 27

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 431 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 38

Nays: Blasdel, Brenden, Caferro, Facey, Larsen, Moore, Ripley, Sales, Smith, Vance, Vincent, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 447 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Tutvedt.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 448 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Tutvedt.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 516 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 47

Nays: Stewart-Peregoy, Whitford, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 536 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 542 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 555 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Howard, Jones, Kary, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Hansen, Hinkle, Kaufmann, Keenan, Rosendale, Sales, Smith, Tutvedt, Vance, Vincent, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 573 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: D. Brown, Fielder, Hinkle, Moore, Vance, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/27/2015
SB 414, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "AUTHORITY;"
Insert: "AMENDING SECTION 39-51-406, MCA;"

2. Page 2, line 2.
Strike: "or"

3. Page 2, line 3.
Following: "labor"
Insert: "; or (iii) an employee paid prevailing wages and benefits under federal or state law any time during the established season"

4. Page 2, line 4.
Following: "(3)"
Insert: "(a)"

5. Page 2, line 5.
Strike: "(a)"
Insert: "(i)"

6. Page 2, line 6.
Strike: "(b)"
Insert: "(ii)"

7. Page 2, line 7.
Strike: "(c)"
Insert: "(iii)"

8. Page 2, line 8.
Strike: "(d)"
Insert: "(iv)"

9. Page 2, line 9.
Strike: "(e)"
Insert: "(v)"

10. Page 2.
Following: line 9
Insert: "(b) The term does not include an employer that pays prevailing wages and benefits under federal or state statutes to any employees during the established season."

11. Page 2.
Following: line 24
Insert: "(4) The application fee provided for in subsection (1) must be deposited in the unemployment insurance administration account provided by 39-51-406."

12. Page 3.
Following: line 14
Insert: "Section 7. Section 39-51-406, MCA, is amended to read:

"39-51-406. Unemployment insurance administration account. (1) There is an account in the federal special revenue fund to be known as the unemployment insurance administration account. All money that is deposited, appropriated, or paid into this account is available for appropriation to the department. All money in the account must be expended solely for the purpose of defraying the costs of administration of this chapter and costs of administration of other legislation specifically delegated by the legislature to the department for administration of unemployment insurance laws.

(2) All money received and deposited in the account from the United States or any

agency of the United States pursuant to section 302 of the Social Security Act, 42 U.S.C. 502, must be expended solely for the purpose and in the amounts found necessary by the secretary of labor for the proper and efficient administration of this chapter.

(3) The account consists of:

(a) all money received from the United States or any agency of the United States pursuant to section 302 of the Social Security Act, 42 U.S.C. 502, as amended; ~~and~~

(b) all money, trust funds, supplies, facilities, or services furnished, deposited, paid, and received from the United States or any agency of the United States that are designated for use in the administration of the unemployment insurance program; and

(c) all application fees collected pursuant to [section 4].

(4) Notwithstanding any provisions of this section, all money requisitioned and deposited in this account pursuant to 39-51-403 through 39-51-405 must remain part of the unemployment insurance fund and must be used only in accordance with the conditions specified in 39-51-403 through 39-51-405.

(5) All money in this account must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other accounts. The balance in this account may not lapse at any time but must be continuously available to the department for expenditure consistent with this chapter.

(6) Any reference to the unemployment insurance administration fund in this code means the unemployment insurance administration account in the federal special revenue fund.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MOTIONS

Senator Jones moved to re-refer **SB 415** from the second reading board and **HB 251**, concurred in this date on second reading, to the Finance and Claims Committee. Senator Jones' motion included **SB 417** which was already in the possession of the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 8:00 a.m., Saturday, March 28, 2015, the sixty-fifth legislative day. Motion carried.

Senate adjourned at 5:15 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 28, 2015 — State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Fielder, Howard, and Ripley excused. Quorum present.

BILLS AND JOURNALS 3/28/2015
Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-first through the fifty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 157**, **SB 193**, **SB 194**, **SB 290**, **SB 392**, **SB 402**, **SB 403**, **SB 420**, **HB 297**, **HB 478**.
Correctly engrossed: **SB 20**, **SB 264**, **SB 396**, **SB 405**, **SB 414**, **SB 416**, **HB 400**, **HB 503**.
Correctly enrolled: **SB 140**.
Examined by the sponsor and found to be correct: **SB 8**, **SB 200**, **SB 321**, **SB 338**.
Transmitted to the House: **SB 393**, **HB 99**, **HB 259**, **HB 324**, **HB 363**, **HB 431**, **HB 447**, **HB 448**, **HB 516**, **HB 536**, **HB 542**, **HB 555**, **HB 573**.
Signed by the Secretary of the Senate at 9:50 a.m., March 28, 2015: **SB 8**, **SB 200**, **SB 321**, **SB 338**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/27/2015
SR 36, preliminary report. Report adopted.
SR 38, preliminary report. Report adopted.
SR 39, preliminary report. Report adopted.
SR 40, preliminary report. Report adopted.
SR 41, preliminary report. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 3/27/2015
SB 20, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "TO THE ENVIRONMENTAL QUALITY PROTECTION FUND"
Following: "FUND;"
Insert: "PROVIDING A TRANSFER OF FUNDS TO THE ENVIRONMENTAL QUALITY PROTECTION FUND;"

2. Title, page 1, line 7.
Strike: "7-6-2225, 7-6-2226,"

Strike: "20-9-231, AND"
Following: "75-10-704,"
Insert: "AND 75-10-743,"

3. Page 1, line 12 through page 2, line 19.
Strike: sections 1 and 2 in their entirety
Renumber: subsequent sections

4. Page 2, line 25.
Strike: "10%"
Insert: "47%"

5. Page 3, line 1.
Following: "~~and~~"
Insert: "and"

6. Page 3, line 2 through line 3.
Strike: subsection (e) in its entirety
Renumber: subsequent subsections

7. Page 3, line 8.
Strike: "25%"
Insert: "35%"

8. Page 3, line 11.
Strike: "(1)(f)(i)"
Insert: "(1)(e)(i)"

9. Page 3, line 20.
Strike: "(1)(f)"
Insert: "(1)(e)"

10. Page 3, line 23.
Strike: both instances of "(1)(f)"
Insert: "(1)(e)" after each

11. Page 3, line 26 through page 4, line 5.
Strike: section 4 in its entirety
Renumber: subsequent sections

12. Page 5, line 3 through line 6.
Strike: subsection (i) in its entirety

13. Page 5, line 6.
Following: line 6

Insert: "(i) funds transferred from the orphan share account pursuant to 75-10-743(10). The full amount of these funds must be dedicated each fiscal year as follows:

(i) 50% to the state's contribution for cleanup and long-term operation and maintenance costs at the Libby asbestos superfund site; and

(ii) 50% to metal mine reclamation projects at abandoned mine sites, as provided in 82-4-371. This subsection (4)(i)(ii) does not apply to exploration or mining work performed after March 9, 1971. Projects funded under this subsection (4)(i)(ii) are not subject to the requirements of Title 75, chapter 10, part 7."

14. Page 6.
Following: line 19
Insert: "Section 3. Section 75-10-743, MCA, is amended to read:

"75-10-743. Orphan share state special revenue account -- reimbursement of claims -- payment of department costs. (1) There is an orphan share account in the state special revenue fund established in 17-2-102 that is to be administered by the department. Money in the account is available to the department by appropriation and, except as provided in subsections (9), (10), and (11), must be used to reimburse remedial action costs claimed pursuant to 75-10-742 through 75-10-751 and to pay costs incurred by the department in defending the orphan share.

(2) There must be deposited in the orphan share account:

(a) all penalties assessed pursuant to 75-10-750(12);

(b) funds received from the distribution of oil and natural gas production taxes pursuant to 15-36-331;

(c) unencumbered funds remaining in the abandoned mines state special revenue account;

(d) interest income on the account;

(e) funds received from settlements pursuant to 75-10-719(7); and

(f) funds received from reimbursement of the department's orphan share defense costs pursuant to subsection (6).

(3) If the orphan share fund contains sufficient money, valid claims must be reimbursed subsequently in the order in which they were received by the department. If the orphan share fund does not contain sufficient money to reimburse claims for completed remedial actions, a reimbursement may not be made and the orphan share fund, the department, and the state are not liable for making any reimbursement for the costs. The department and the state are not liable for any penalties if the orphan share fund does not contain sufficient money to reimburse claims, and interest may not accrue on outstanding claims.

(4) Except as provided in subsections (6) and (7), claims may not be submitted and remedial action costs may not be reimbursed from the orphan share fund until all remedial actions, except for operation and maintenance, are completed at a facility.

(5) Except as provided in subsection (6), reimbursement from the orphan share fund must be limited to actual documented remedial action costs incurred after the date of a petition provided for in 75-10-745. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs.

(6) (a) The department's costs incurred in defending the orphan share must be paid by the persons participating in the allocation under 75-10-742 through 75-10-751 in proportion to their allocated shares. The orphan share fund is responsible for a portion of the department's costs incurred in defending the orphan share in proportion to the orphan share's allocated share, as

follows:

(i) If sufficient funds are available in the orphan share fund, the department's costs incurred in defending the orphan share must be paid from the orphan share fund in proportion to the share of liability allocated to the orphan share.

(ii) If sufficient funds are not available in the orphan share fund, persons participating in the allocation under 75-10-742 through 75-10-751 shall pay all the orphan share's allocated share of the department's costs incurred in defending the orphan share in proportion to each person's allocated share of liability.

(b) A person who pays the orphan share's proportional share of costs has a claim against the orphan share fund and must be reimbursed as provided in subsection (3).

(c) A state agency that is liable for remedial action costs incurred has a claim against the orphan share fund and must be reimbursed as provided in subsection (3). The agency may submit a claim before or after remedial action is complete. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs. The agency may be reimbursed only after:

(i) its liability has been determined pursuant to 75-10-742 through 75-10-751 or by a court of competent jurisdiction;

(ii) it has received a notice letter pursuant to 75-10-711; and

(iii) the department has approved the costs.

(7) (a) If the lead liable person under 75-10-746 presents evidence to the department that the person cannot complete the remedial actions without partial reimbursement and that a delay in reimbursement will cause undue financial hardship on the person, the department may allow the submission of claims and may reimburse the claims prior to the completion of all remedial actions. A person is not eligible for early reimbursement unless the person is in substantial compliance with all department-approved remedial action plans.

(b) The department may reimburse claims from a lead liable person upon completion and department approval of a report evaluating the nature and extent of contamination and a report formulating and evaluating final remediation alternatives. This early reimbursement is limited to those eligible costs incurred by the lead liable person for the preparation of the reports.

(8) A person participating in the allocation process who received funds under the mixed funding pilot program provided for in sections 14 through 20, Chapter 584, Laws of 1995, may not claim or receive reimbursement from the orphan share fund for the amount of funds received under the mixed funding pilot program that are later attributed to the orphan share under the allocation process.

(9) (a) For the biennium beginning July 1, 2005, up to $1.25 million may be used by the department to pay the costs incurred by the department in contracting for evaluating the extent of contamination and formulating final remediation alternatives for releases at the Kalispell pole and timber, reliance refinery company, and Yale oil corporation facility complex. If the department spends less than $1.25 million for those purposes, the remaining funds must be spent for remediation of the facility complex. The department may not seek recovery of the $1.25 million from potentially liable persons.

(b) The money spent pursuant to subsection (9)(a) must be credited against the amount owed by the state agency in a judgment or settlement agreement for payment of the remedial action costs at the facility for which the money was spent.

(10) (a) The department shall transfer from the orphan share account to the long-term or perpetual water treatment permanent trust fund provided for in 82-4-367 $1.2 million in each fiscal year until the board of investments makes the certification pursuant to subsection (10)(b) of this

section.

(b) (i) The board of investments shall monitor the long-term or perpetual water treatment permanent trust fund provided for in 82-4-367 to determine when the amount of money in the long-term or perpetual water treatment permanent trust fund will be sufficient, with future earnings, to provide a fund balance of $19.3 million on January 1, 2018.

(ii) When the board of investments makes the determination pursuant to subsection (10)(b)(i), the board of investments shall notify the department and certify to the department the amount of money, if any, that must be transferred during the fiscal year in which the board of investments makes its determination pursuant to subsection (10)(b)(i) in order to provide a fund balance of $19.3 million on January 1, 2018.

(iii) In the fiscal year that the board of investments makes its determination and notifies the department, the department shall transfer only the amount certified by the board of investments, if any, and may not make additional transfers during subsequent fiscal years.

(c) After July 1, 2018, the department shall transfer $1.2 million in each fiscal year from the orphan share state special revenue account to the environmental quality protection fund provided in 75-10-704.

(11) The orphan share account is subject to legislative fund transfers."

"

Renumber: subsequent sections

15. Page 6, line 23.
Strike: "2021"
Insert: "2027"

And, as amended, do pass. Report adopted.

SB 212, do pass. Report adopted.
SB 326, do pass. Report adopted.
SB 386, do pass. Report adopted.
SB 394, do pass. Report adopted.
SB 395, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 126**
Report No. 001, March 27, 2015

Ms. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 126** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 126** (reference copy -- salmon) be amended as follows:

1. Page 1, line 18 through line 19.
Strike: "UPON" on line 18 through "NOTICE" on line 19
Insert: "on transmission"

For the Senate:
Webb, Chair
Facey
Hansen

For the House:
Berglee, Vice Chair
Mehlhoff
Regier

MESSAGES FROM THE GOVERNOR

March 27, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Friday, March 27, 2015, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 22 - J. Cohenour
Senate Bill 97 - C. Vincent
Senate Bill 105 - E. Arntzen
Senate Bill 124 - D. Brown
Senate Bill 131 - D. Kary
Senate Bill 142 - C. Smith
Senate Bill 152 - C. Smith

I have vetoed **Senate Bill 114** - Debby Barrett

Sincerely,

STEVE BULLOCK
Governor

March 27, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I do hereby **veto Senate Bill 114** (SB 114), "AN ACT REVISING THE MONTANA RENEWABLE POWER PRODUCTION AND RURAL ECONOMIC DEVELOPMENT ACT; REVISING THE DEFINITION OF 'ELIGIBLE RENEWABLE RESOURCE' TO INCLUDE EXISTING HYDROELECTRIC RESOURCES; REQUIRING A PUBLIC UTILITY TO REFUND CUSTOMERS FOR THE VALUE OF CERTAIN RENEWABLE ENERGY CREDITS; AMENDING SECTIONS 69-3-2003, 69-3-2004, 69-3-2006, 90-3-1003, AND 90-4-1005, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

SB 114 amends Montana's Renewable Power Production and Rural Economic Development Act, to allow hydropower of any size and vintage to be eligible for the Renewable Portfolio Standard (RPS), which will subvert the RPS and discourage the creation of new clean energy jobs.

Montana's economy is booming, with some of the nation's lowest unemployment. But this is no time to let up, and the RPS has been a strong driver of economic development, especially in rural areas. This is well documented by a recent report from the Legislature's own Energy and Telecommunications Interim Committee, which conducted a thorough review of Montana's RPS (*Renewables: Rewards and Risks*, September 2014) (RPS Study).

SB 114 would completely defeat the purpose of the RPS by expanding the definition of resources eligible to meet renewable energy standards to include existing hydropower. Hydroelectric facilities have been an enduring and important part of Montana's energy system and hydroelectricity is clean and renewable. But adding hundreds of megawatts of existing hydropower to the RPS will not create new jobs, and will undercut all incentives for future renewable projects that *would* create new jobs or tax revenues.

During the 2013 legislative session, I worked with the Legislature to strike an appropriate balance between our existing hydroelectric dams and the job-creating provisions of the RPS. We amended the RPS to include capacity expansions at those existing dams, recognizing that those projects would create new jobs and tax revenues. I see no reason to alter this balance.

SB 114 provides that if a utility uses its existing hydropower to meet Montana's RPS and then

chooses to sell its other certified renewable credits on the market for compliance with renewable energy standards in other states, the utility is "required" to credit the proceeds from those sales against electric rates.

This gimmick, while appealing on its face, fails for two reasons: first, nothing in SB 114 requires the utility to see its certified credits, so any positive outcome for ratepayers is far from certain; second, existing hydropower is generally not eligible for renewable credit in other states, so those states would see this as a sleight of hand designed to subsidize Montana at their expense -- with the end result that Montana's legitimate renewable credits are devalued.

Losing the tangible generous economic benefits of the RPS for a scheme that depends on the ignorance of other states to succeed is a poor trade off.

The Legislature's own recent RPS Study not only found that Montana's RPS resulted in positive economic benefits and had a "negligible impact on ratepayers," it also concluded that the 15 percent standard should not be reduced or increased. Yet the effect of SB 114 is to reduce, and even do away with, the 15 percent standard.

For these reasons, I veto SB 114.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/27/2015

SB 140, introduced by L. Jones
SB 144, introduced by E. Buttrey
SB 277, introduced by R. Webb
SB 327, introduced by M. Blasdel

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/27/2015

SB 138, introduced by B. Hoven

House bills passed and transmitted to the Senate for concurrence: 3/27/2015

HB 433, introduced by S. Berglee
HB 488, introduced by K. Regier
HB 506, introduced by D. Moore

HB 590, introduced by M. Cuffe

MOTIONS

Senator Rosendale moved **HB 196**, **HB 228**, and **HB 575** be taken from today's second reading agenda and re-referred to the Finance and Claims Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 24, introduced by D. Sands, K. Dudik, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 433, introduced by S. Berglee, G. Bennett, C. Fiscus, S. Hess, F. Mandeville, W. McKamey, D. Mortensen, K. Regier, C. Smith, referred to Judiciary.
HB 488, introduced by K. Regier, referred to Judiciary.
HB 506, introduced by D. Moore, referred to Business, Labor, and Economic Affairs.
HB 590, introduced by M. Cuffe, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 575 - Senator Hansen moved consideration of **HB 575** be passed for the day. Without objection, so ordered.

SB 396 - Senator Buttrey moved **SB 396** do pass.

SB 396 - Senator Buttrey moved **SB 396**, second reading copy, be amended as follows:

1. Page 3, line 26.
Following: "CARRIER"
Insert: "driver"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

SB 396 - Senator Buttrey moved **SB 396**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vincent, Webb, Wolken, Ms. President.
Total 39

Nays: Cohenour, Hansen, Sesso, Stewart-Peregoy, Vance, Vuckovich, Whitford, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

SB 401 - Senator Caferro moved **SB 401** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Arntzen, Barrett Dick, Connell, Malek, Pomnichowski.
Total 5

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 297 - Senator Rosendale moved consideration of **HB 297** be passed for the day. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Hansen, Hinkle, Jones, Kary, Keenan, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 22

Nays: Ankney, Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

SB 398 - Senator Keane moved **SB 398** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Moore, Phillips, Sesso, Smith, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 30

Nays: Arntzen, T. Brown, Hansen, Keenan, Malek, McNally, Moe, Pomnichowski, Rosendale, Sales, Sands, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb.
Total 17

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

Senator Thomas excused at this time.

SB 418 - Senator L. Jones moved **SB 418** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley, Thomas.
Total 4

SB 409 - Senator Vincent moved **SB 409** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Rosendale, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley, Thomas.
Total 4

SB 279 - Senator Hamlett moved **SB 279** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Driscoll, Hoven, Keane, Sales, Sesso, Tutvedt, Vance, Whitford.
Total 8

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley, Thomas.
Total 4

HB 554 - Senator Vuckovich moved **HB 554** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley, Thomas.
Total 4

Senator Thomas present at this time.

HB 284 - Senator Moe moved **HB 284** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Brenden, Kary, Keenan, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 373 - Senator Cohenour moved **HB 373** be concurred in.

HB 373 - Senator Hansen moved **HB 373**, second reading copy, be amended as follows:

1. Page 1, line 18.
Strike: "100%"
Insert: "75%"

2. Page 1, line 26.
Strike: "100%"
Insert: "75%"

3. Page 1, line 27.
Strike: "100%"
Insert: "75%"

4. Page 2, line 6.
Following: "~~50% of~~"
Insert: "75% of"

5. Page 2, line 9.
Following: "~~50% of~~"
Insert: "75% of"

6. Page 3, line 28.
Strike: "100%"
Insert: "75%"

Amendment **not** adopted as follows:

Yeas: Arntzen, Blasdel, D. Brown, Hansen, Hinkle, Hoven, Kary, Keenan, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 19

Nays: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 373 - Thereupon, the Senate reverted to the original motion of Senator Cohenour which passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 34

Nays: Blasdel, D. Brown, Hansen, Hinkle, Kary, Keenan, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb.
Total 13

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

Senator Thomas excused at this time.

HB 28 - Senator Wolken moved **HB 28** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Arntzen, Sales, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley, Thomas.
Total 4

Senator Thomas present at this time.

HB 330 - Senator Sales moved **HB 330** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann,

Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Moore.
Total 1

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 533 - Senator Kary moved **HB 533** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hoven, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Paired: Fielder, Howard, Ripley, Aye; Caferro, Malek, Phillips, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 584 - Senator Hinkle moved **HB 584** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, McNally, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Kaufmann, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 256 - Senator C. Smith moved **HB 256** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 23

Nays: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 27

Paired: Fielder, Howard, Ripley, Aye; Caferro, Malek, Phillips, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sales excused at this time.

HB 256 - Senator Rosendale moved **HB 256** be indefinitely postponed. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 27

Nays: Arntzen, Blasdel, Brenden, D. Brown, Hansen, Hinkle, Hoven, Kary, Keenan, Moore, Rosendale, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley, Sales.
Total 4

The Senate stood at ease for a short period.

Senator Facey assumed the chair.

HB 68 - Senator Driscoll moved **HB 68** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley, Sales.
Total 4

Senator Sales present at this time.

HB 101 - Senator Malek moved **HB 101** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Blasdel, Brenden, Hansen, Hinkle, Hoven, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 209 - Senator Webb moved **HB 209** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour,

Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Brenden, Moore, Rosendale, Sales, Smith.
Total 5

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 211 - Senator Larsen moved **HB 211** be concurred in.

HB 211 - Senator Hansen moved a **substitute motion** to move **HB 211** to the bottom of the board. Without objection, so ordered.

HB 288 - Senator Kary moved **HB 288** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Kaufmann, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 290 - Senator Hinkle moved **HB 290** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 331 - Senator Whitford moved **HB 331** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Brenden, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 342 - Senator Kary moved **HB 342** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Nays: Arntzen, Blasdel, Brenden, D. Brown, Hansen, Hinkle, Hoven, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 400 - Senator Kary moved **HB 400** be concurred in.

HB 400 - Senator Kary moved **HB 400**, second reading copy, be amended as follows:

1. Page 2, line 9 through line 10.
Strike: "A POLL WATCHER" on line 9 through "PROCESS." on line 10

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Brenden, Hinkle, Rosendale, Sales, Smith, Taylor, Vance, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 400 - As amended, **HB 400** was concurred in as follows:

Yeas: Ankney, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 32

Nays: Arntzen, Brenden, D. Brown, Hansen, Hinkle, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 460 - Senator Hamlett moved **HB 460** be concurred in.

HB 460 - Majority Leader Rosendale moved a **substitute motion** that consideration of **HB 460**

be passed for the day. Without objection, so ordered.

HB 578 - Senator Brenden moved that consideration of **HB 578** be passed for the day. Without objection so ordered.

HB 529 - Senator Whitford moved **HB 529** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Connell, Smith.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 564 - Senator Malek moved **HB 564** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Blasdel, Brenden, Rosendale, Sales, Smith, Vance.
Total 6

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 580 - Senator Webb moved **HB 580** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann,

Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

SB 193 - Senator Tutvedt moved **SB 193** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hinkle, Hoven, Jones, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Whitford, Wolken, Ms. President.
Total 34

Nays: Brenden, Fielder, Hamlett, Hansen, Howard, Kary, Keane, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Vuckovich, Webb, Windy Boy.
Total 16

Paired: Driscoll, Phillips, Ripley, Aye; Fielder, Howard, Windy Boy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297 - Senator Hoven moved **HB 297** be concurred in.

HB 297 - Senator Connell moved **HB 297**, second reading copy, be amended as follows:

1. Page 5, line 8 through line 9.
Following: "(III)"
Strike: remainder of line 8 through line 9
Insert: "all wireless communication systems licensed under the various services of the federal communications commission."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Smith, Tutvedt, Webb.
Total 3

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

HB 297 - As amended, **HB 297 failed** as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Wolken.
Total 23

Nays: Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 27

Paired: Hamlett, Malek, Phillips, Aye; Fielder, Howard, Ripley, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297 - Senator Rosendale moved **HB 297** be indefinitely postponed. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek,

McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

SB 411 - Senator Caferro moved **SB 411** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 41

Nays: Cohenour, Driscoll, Facey, Jones, Keane, Sesso, Tutvedt, Windy Boy.
Total 8

Paired: Howard, Ripley, Aye; Driscoll, Keane, No.

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 211 - Senator Larsen moved consideration of **HB 211** be passed for the day. Without objection, so ordered.

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Brenden, Kary, Keenan, Moe, Smith.
Total 5

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 157 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Swandal, Thomas, Tutvedt, Vuckovich, Wolken.
Total 25

Nays: Arntzen, Blasdel, Brenden, D. Brown, Connell, Hansen, Hinkle, Hoven, Kary, Keenan, Moore, Rosendale, Sales, Smith, Stewart-Peregoy, Taylor, Vance, Vincent, Webb, Whitford, Windy Boy, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

SB 290 passed as follows:

Yeas: Ankney, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Sands, Sesso, Smith, Stewart-Peregoy, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Nays: Arntzen, Barrett Dick, Blasdel, Brenden, Facey, Kaufmann, Malek, Moore, Phillips, Pomnichowski, Rosendale, Sales, Swandal, Taylor, Thomas, Vincent, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

SB 392 failed as follows:

Yeas: Ankney, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Hamlett, Hansen, Hoven, Jones, Keane, Sales, Stewart-Peregoy, Taylor, Thomas, Vance, Vuckovich, Whitford, Ms. President.
Total 21

Nays: Arntzen, Barrett Dick, Brenden, Cohenour, Driscoll, Hinkle, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Swandal, Tutvedt, Vincent, Webb, Windy Boy, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

SB 402 passed as follows:

Yeas: Ankney, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Driscoll, Hamlett, Hinkle, Hoven, Jones, Kary, Keane, Larsen, Moore, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 28

Nays: Arntzen, Barrett Dick, D. Brown, Cohenour, Facey, Hansen, Kaufmann, Keenan, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Taylor, Thomas, Tutvedt, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Fielder, Howard, Ripley.
Total 3

MOTIONS

Senator Rosendale moved **HB 211**, **HB 460**, and **HB 578** be re-referred to the State Administration Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Monday, March 30, 2015, the sixty-sixth legislative day. Motion carried.

Senate adjourned at 12:45 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 30, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused. Quorum present.

BILLS AND JOURNALS 3/30/2015
Correctly printed: **SB 193**, **SB 212**, **SB 279**, **SB 326**, **SB 386**, **SB 394**, **SB 395**, **SB 398**, **SB 401**, **SB 409**, **SB 411**, **SB 418**, **SJ 24**, **HB 28**, **HB 68**, **HB 101**, **HB 209**, **HB 284**, **HB 288**, **HB 290**, **HB 330**, **HB 331**, **HB 342**, **HB 373**, **HB 529**, **HB 533**, **HB 554**, **HB 564**, **HB 580**, **HB 584**.
Correctly enrolled: **SB 144**, **SB 277**, **SB 327**.
Examined by the sponsor and found to be correct: **SB 140**.
Transmitted to the House: **SB 157**, **SB 290**, **SB 402**.
Signed by the Secretary of the Senate at 4:05 p.m., March 30, 2015: **SB 140**.
Signed by the President at 3:30 p.m., March 28, 2015: **SB 79**, **SB 188**, **SR 3**, **SR 13**, **SR 20**, **SR 27**, **SR 28**.
Signed by the President at 3:45 p.m., March 28, 2015: **SB 8**, **SB 200**, **SB 321**, **SB 338**.
Signed by the Speaker at 10:55 a.m., March 30, 2015: **SB 8**, **SB 79**, **SB 188**, **SB 200**, **SB 321**, **SB 338**.
Delivered to the Secretary of State at 10:50 a.m., March 30, 2015: **SR 3**, **SR 13**, **SR 20**, **SR 27**, **SR 28**.
Delivered to the Governor at 12:35 p.m., March 30, 2015: **SB 8**, **SB 79**, **SB 188**, **SB 200**, **SB 321**, **SB 338**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/24/2015
SR 32, be adopted. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/27/2015
SR 29, introduced resolution, be amended as follows:

1. Title, page 1, line 5.
Strike: "RELATED TO BUSINESS AND LABOR"
Insert: "TO THE BOARD OF PUBLIC ACCOUNTANTS AND THE STATE BANKING BOARD"

2. Page 1, lines 16 through 18.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

3. Page 1, line 24 through page 4, line 2.
Strike: subsection (4) through subsection (17) in their entirety

And, as amended, the preliminary report be adopted. Report adopted.

SR 35, preliminary report, be adopted. Report adopted.
SR 37, preliminary report, be adopted. Report adopted.

FISH AND GAME (Brenden, Chair): 3/24/2015
SR 7, be adopted. Report adopted.

MESSAGES FROM THE GOVERNOR

March 27, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with Section 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Hail Insurance
MCA 2-15-3003

! Mrs. Judy P. Tureck, 599 Tureck Lane, Coffee Creek, MT 59424, was appointed to serve a term starting April 18, 2015 ending May 1, 2018. Mrs. Tureck fulfills the qualifications of public member for the Board.

Board of Horseracing
MCA 2-15-1809

! Mr. John Hayes, PO Box 6807, Great Falls, MT 59406, was reappointed to serve a term starting March 27, 2015 and ending January 1, 2018. Mr. Hayes fulfills the qualifications of third district representative for the Board.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process.

Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/28/2015

HB 9, introduced by M. Cuffe
HB 114, introduced by M. Miller
HB 202, introduced by B. Bennett
HB 389, introduced by J. Essmann
HB 407, introduced by V. Court
HB 464, introduced by Z. Brown
HB 487, introduced by D. Jones

MOTIONS

Senator Hamlett moved that **SB 291** be taken from Judiciary and brought before the Committee of the Whole this date. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Connell, Facey, Hamlett, Hoven, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Hansen, Hinkle, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

Senator Kaufmann moved that **SB 374** be taken from Taxation and brought before the Committee of the Whole this date. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford,

Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 25, introduced by C. Smith, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 9, introduced by M. Cuffe (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 114, introduced by M. Miller (by request of the Department of Revenue), referred to Taxation.
HB 202, introduced by B. Bennett, J. Eck, S. Fitzpatrick, F. Garner, G. Hertz, S. Hess, D. Lamm, S. Laszloffy, W. McKamey, D. Mortensen, N. Schwaderer, K. Wagoner, M. Funk, referred to Judiciary.
HB 389, introduced by J. Essmann, referred to Taxation.
HB 407, introduced by V. Court, W. Curdy, K. Dudik, M. Dunwell, J. Ellis, D. Hayman, E. Lieser, R. Lynch, E. McClafferty, M. Phillips, R. Shaw, E. Hill, Z. Perry, N. Wilson, referred to Highways and Transportation.
HB 464, introduced by Z. Brown, G. Hertz, E. Lieser, W. McKamey, referred to Energy and Telecommunications.
HB 487, introduced by D. Jones, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 394, **SB 395** - Senator Rosendale moved consideration of **SB 394** and **SB 395** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 20 - Senator Vincent moved **SB 20** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 194 - Senator Caferro moved **SB 194** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 212 - Senator Sales moved **SB 212** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent,

Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Barrett Dick, Kaufmann, Malek.
Total 3

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 326 - Senator Hinkle moved **SB 326** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: T. Brown, Ripley, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 386 - Senator Cohenour moved **SB 386** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 399 - Senator Thomas moved **SB 399** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: D. Brown, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 403 - Senator Webb moved **SB 403** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 410 - Senator L. Jones moved **SB 410** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 26

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 414 - Senator Buttrey moved **SB 414** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 416 - Senator Brenden moved **SB 416** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder.

Total 1

SB 420 - Senator Hamlett moved **SB 420** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 27

Nays: Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb.
Total 22

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 420 will proceed to third reading with the possibility of obtaining the required 2/3 vote of the Senate.

Senator Facey assumed the chair.

SB 394 - Senator Blasdel moved **SB 394** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 395 - Senator Blasdel moved **SB 395** do pass. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, Buttrey, Caferro, Facey, Hansen, Hinkle, Howard, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Windy Boy, Wolken, Ms. President.
Total 25

Nays: Ankney, Barrett Dick, D. Brown, T. Brown, Cohenour, Connell, Driscoll, Hamlett, Hoven, Jones, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford.
Total 24

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Driscoll, Kaufmann, Malek, Pomnichowski, Sales, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 193 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Jones, Kary, Kaufmann, Keenan, Larsen,

Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Wolken, Ms. President.
Total 37

Nays: Brenden, Hansen, Howard, Keane, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 264 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 45

Nays: D. Brown, Buttrey, Hoven, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 279 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Caferro, Driscoll, Hoven, Sales, Tutvedt, Vance.
Total 6

Absent or not voting: None.

Total 0

Excused: Fielder.
Total 1

SB 398 passed as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, McNally, Moore, Phillips, Ripley, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 28

Nays: Arntzen, T. Brown, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Malek, Moe, Pomnichowski, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb.
Total 21

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 401 passed as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Arntzen, Barrett Dick, Connell, Malek, Moe, Pomnichowski, Sands.
Total 7

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 405 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips,

Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 409 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 411 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Hamlett, Hansen, Hinkle, Howard, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Cohenour, Driscoll, Facey, Hoven, Jones, Keane, Sesso, Stewart-Peregoy, Tutvedt.
Total 9

Absent or not voting: None.

Total 0

Excused: Fielder.
Total 1

SB 418 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Brenden, Howard, Ripley, Sales.
Total 4

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 28 concurred in as follows:

Yeas: Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Ankney, Arntzen, Sales, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 68 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary,

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 101 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 33

Nays: Blasdel, Brenden, Hansen, Hinkle, Hoven, Howard, Keenan, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 209 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 36

Nays: Blasdel, Brenden, Howard, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 13

Absent or not voting: None.

Total 0

Excused: Fielder.
Total 1

HB 284 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 36

Nays: Brenden, Hinkle, Howard, Keenan, Ripley, Rosendale, Sales, Smith, Thomas, Tutvedt, Vance, Vincent, Webb.
Total 13

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 288 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Kaufmann, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 290 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Malek, Moore, Ripley, Rosendale,

Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 330 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Howard, Moore, Tutvedt.
Total 3

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 331 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Brenden, Howard, Ripley, Sales, Webb.
Total 5

Absent or not voting: None.

Total 0

Excused: Fielder.
Total 1

HB 342 concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Hansen, Hinkle, Hoven, Howard, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 373 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Tutvedt, Vincent, Vuckovich, Whitford, Wolken, Ms. President.
Total 32

Nays: Blasdel, D. Brown, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Webb, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 503 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary,

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 529 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Connell.
Total 1

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 533 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Keane, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hoven, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.

Total 0

Excused: Fielder.
Total 1

HB 554 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Keane, Sales, Sesso, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 564 concurred in as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 37

Nays: Arntzen, Blasdel, Brenden, Howard, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 12

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 580 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary,

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 584 concurred in as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Ankney, Barrett Dick, Caferro, Cohenour, Driscoll, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

MOTIONS

Senator Moe moved to change her third-reading vote on **SB 264** from No to Yes. Without objection, so ordered.

Senator Rosendale moved **HB 430** be re-referred from the Local Government Committee to the Judiciary Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the coming week:

Kaitlyne Hoffman from Billings, sponsored by Senator Webb
Emma Norton from Missoula, sponsored by Senator Sands
Skylar Stenson from Wibaux, sponsored by Senator Rosendale
Moira Shea from Helena, sponsored by Senator Sesso

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, March 31, 2015, the sixty-seventh legislative day. Motion carried.

Senate adjourned at 4:00 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 31, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 3/31/2015
Correctly printed: **SB 20**, **SB 194**, **SB 212**, **SB 326**, **SB 386**, **SB 394**, **SB 395**, **SB 399**, **SB 403**, **SB 410**, **SB 414**, **SB 416**, **SB 420**, **SR 7**, **SR 32**, **SJ 25** .
Correctly engrossed: **HB 211**.
Examined by the sponsor and found to be correct: **SB 144**, **SB 277**, **SB 327**.
Transmitted to the House: **SB 20**, **SB 193**, **SB 194**, **SB 212**, **SB 264**, **SB 279**, **SB 326**, **SB 386**, **SB 394**, **SB 395**, **SB 396**, **SB 398**, **SB 399**, **SB 401**, **SB 403**, **SB 405**, **SB 409**, **SB 410**, **SB 411**, **SB 414**, **SB 416**, **SB 418**, **HB 28**, **HB 68**, **HB 101**, **HB 209**, **HB 284**, **HB 288**, **HB 290**, **HB 330**, **HB 331**, **HB 342**, **HB 373**, **HB 400**, **HB 503**, **HB 529**, **HB 533**, **HB 554**, **HB 564**, **HB 580**, **HB 584**.
Signed by the President at 5:00 p.m., March 30, 2015: **SB 140**.
Signed by the Speaker at 9:45 a.m., March 31, 2015: **SB 140**.
Delivered to the Governor at 11:20 a.m., March 31, 2015: **SB 140**.

Senator Larsen introduced a flag delegation comprised of members of the Montana POW/MIA Awareness Association. Linda and Dick Juvik and William Frank displayed the POW/MIA flag before presenting it to Senator Fred Thomas whose uncle Alfred Thomas is among the missing.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 3/26/2015
SR 43, be adopted. Report adopted.

JUDICIARY (Sales, Chair): 3/31/2015
HB 378, be concurred in. Report adopted.
HB 587, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 3/30/2015
HB 553, be amended as follows:

1. Page 2, line 2.
Strike: "departments"
Insert: "department of fish, wildlife, and parks"

2. Page 2, line 3.
Following: "parties"

Insert: ", any cooperative funding requirements,"

3. Page 2, line 4.
Following: "part."
Insert: "The department of fish, wildlife, and parks retains oversight authority over the operation of a check station pursuant to this subsection."

4. Page 2, line 14.
Following: "transportation shall"
Insert: "cooperate with the department of fish, wildlife, and parks to"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 3/30/2015
HB 211, be amended as follows:

1. Page 1, line 28.
Strike: "national"
Insert: "state"

And, as amended, be concurred in. Report adopted.

HB 460, be concurred in. Report adopted.
HB 578, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 30, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Friday, March 27, 2015, I signed **SB 332** - E. Buttrey.

This bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

March 30, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Monday, March 30, 2015, I signed the following bills:

Senate Bill 60 - R. Driscoll
Senate Bill 94 - E. Buttrey
Senate Bill 184 - J. Cohenour
Senate Bill 196 - M. Caferro

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/30/2015

SB 289, introduced by D. Ankney

House bills passed and transmitted to the Senate for concurrence: 3/30/2015

HB 235, introduced by R. Lynch
HB 423, introduced by S. Staffanson
HB 496, introduced by K. White
HB 576, introduced by A. Wittich

HB 425, introduced by M. Monforton, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/30/2015

Yeas - 51
Nays - 48

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 235, introduced by R. Lynch, D. Ankney, G. Bennett, E. Buttrey, M. Caferro, C. Clark, P. Connell, V. Court, M. Cuffe, K. Dudik, D. Hayman, T. Jacobson, J. Keane, M. Lang, S. Laszloffy, S. Lavin, F. Mandeville, K. McCarthy, E. McClafferty, R. Mehlhoff, M. Noland, P. Noonan, L. Randall, A. Redfield, V. Ricci, T. Richmond, D. Salomon, C. Schreiner, J. Sesso, R. Shaw, T. Steenberg, K. Swanson, C. Vincent, G. Vuckovich, J. Welborn, referred to Taxation.
HB 423, introduced by S. Staffanson, referred to Education and Cultural Resources.
HB 425, introduced by M. Monforton, referred to Judiciary.
HB 496, introduced by K. White, N. Ballance, G. Bennett, S. Berglee, A. Doane, C. Fiscus, E. Greef, B. Harris, S. Hess, D. Lamm, M. Lang, S. Laszloffy, R. Lynch, F. Mandeville, T. Manzella, W. McKamey, G. Meyers, M. Monforton, D. Mortensen, M. Noland, P. Noonan, R. Pinocci, A. Redfield, T. Richmond, S. Staffanson, K. Wagoner, referred to Natural Resources.
HB 576, introduced by A. Wittich, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 18 - Without objection, Chair Phillips moved consideration of **SJ 18** to the bottom of the second reading board.

SJ 20 - Senator Tutvedt moved **SJ 20** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 21 - Senator Facey moved **SJ 21** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Taylor, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 22 - Senator Webb moved **SJ 22** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Brenden, Ripley, Sales, Vance, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 478 - Senator T. Brown moved **HB 478** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt,

Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Arntzen, Brenden, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 358 - Senator Cohenour moved **HB 358** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 374 - Senator Facey moved **HB 374** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 35

Nays: Brenden, Fielder, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 14 - Senator Swandal moved **HJ 14** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Brenden, Hansen, Keenan, Ripley, Sales, Vance.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Facey assumed the chair.

SJ 18 - Senator Phillips moved **SJ 18** do pass. Motion carried as follows:

Yeas: Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 32

Nays: Ankney, Arntzen, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Brenden, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 20 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 194 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt,

Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Barrett Dick, Caferro, Kaufmann, Keane, Malek, Sesso.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 326 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: T. Brown, Tutvedt.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 386 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 394 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 395 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, Buttrey, Caferro, Facey, Fielder, Hamlett, Hansen, Hinkle, Howard, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Windy Boy, Wolken, Ms. President.
Total 28

Nays: Barrett Dick, D. Brown, T. Brown, Cohenour, Connell, Driscoll, Hoven, Jones, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 396 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vincent, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Barrett Dick, Cohenour, Stewart-Peregoy, Vance, Vuckovich, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 399 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 403 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 410 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 414 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 416 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 420 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 32

Nays: D. Brown, T. Brown, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Pomnichowski, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb.
Total 18

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 400 concurred in as follows:

Yeas: Ankney, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 32

Nays: Arntzen, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 24 - Senator T. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 24**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 19 - Senator T. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 19**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 21 - Senator T. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 21**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Stewart-Peregoy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 25 - Senator Sands moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 25**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Brenden, Hinkle, Kary, Rosendale, Sales, Smith, Thomas, Vance, Webb.

Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 14 - Senator Thomas moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 14**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Wednesday, April 1, 2015, the sixty-eighth legislative day. Motion carried.

Senate adjourned at 2:12 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 1, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 4/1/2015
Correctly printed: **SR 43**, **SJ 18**, **SJ 20**, **SJ 21**, **SJ 22**, **HB 358**, **HB 374**, **HB 378**, **HB 460**, **HB 478**, **HB 578**, **HB 587**, **HJ 14**.
Correctly engrossed: **HB 491**, **HB 553**.
Correctly enrolled: **SR 14**, **SR 19**, **SR 21**, **SR 24**, **SR 25**.
Examined by the sponsor and found to be correct: **SR 14**, **SR 19**, **SR 21**, **SR 24**, **SR 25**.
Signed by the Secretary of the Senate at 9:15 a.m., April 1, 2015: **SB 144**, **SB 277**, **SB 327**.
Signed by the Secretary of the Senate at 3:05 p.m., April 1, 2015: **SR 14**, **SR 19**, **SR 21**, **SR 24**, **SR 25**.
Signed by the President at 9:38 a.m., April 1, 2015: **SB 144**, **SB 277**, **SB 327**.
Signed by the Speaker at 11:15 a.m., April 1, 2015: **SB 144**, **SB 277**, **SB 327**.
Delivered to the Governor at 11:40 a.m., April 1, 2015: **SB 144**, **SB 277**, **SB 327**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/31/2015
HB 557, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/27/2015
SR 36, be adopted. Report adopted.
SR 38, be adopted. Report adopted.
SR 39, be adopted. Report adopted.
SR 40, be adopted. Report adopted.
SR 41, be adopted. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/1/2015
HB 29, be concurred in. Report adopted.
HB 119, be amended as follows:

1. Page 3, line 17.
Following: "(3)"
Insert: "(a)"
Following: "AND"

Strike: "THIS SECTION"
Insert: "subsection (3) (b)"

2. Page 3, line 20.
Following: line 19
Insert: "(b) The review of the ORSA summary report and any additional requests for information must be made using similar procedures currently used in the analysis and examination of multistate or global insurers and insurance groups."

And, as amended, be concurred in. Report adopted.

HB 470, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/31/2015
SR 42, preliminary report, be adopted. Report adopted.
HB 280, be concurred in. Report adopted.
HB 491, be amended as follows:

1. Title, line 12.
Strike: "AN IMMEDIATE"
Strike: "DATE"
Insert: "DATES"

2. Page 3.
Following: line 27
Insert: "(7) All alcohol or drug testing ordered by a court must utilize the data management technology plan provided for in 44-4-1204(4).
(8) Alcohol or drug testing required by the department of corrections pursuant to this part must utilize the data management technology plan provided for in 44-4-1204(4)."

3. Page 5, line 27.
Strike: "**date**"
Insert: "dates"
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

4. Page 5.
Following: line 27
Insert: "(2) [Section 2(7) and (8)] is effective October 1, 2015."

And, as amended, be concurred in. Report adopted.

HJ 16, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 4/1/2015
HB 123, be amended as follows:

1. Page 2, following line 5.
Insert: "(1) "Confidential information" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders."
Renumber: subsequent subsections

2. Page 2, following line 8.
Insert: "(3) "Constitutional officer record" means a public record prepared, owned, used, or retained by a constitutional officer."
Renumber: subsequent subsections

3. Page 2, line 23 through line 24.
Strike: "any political" on line 23 through "Montana" on line 24
Insert: "the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana"

4. Page 4, following line 17.
Insert: "(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency."
Renumber: subsequent subsection

5. Page 5, line 20.
Strike: "may seek assistance from"
Insert: "shall cooperate with"

6. Page 5, line 21.
Strike: "regarding"
Insert: "in the"

7. Page 5, line 22.
Following: "plan"
Insert: "using [sections 13 through 21] as guidance"

8. Page 6, line 17.
Strike: "WHOSE" through "DENIED"
Insert: "alleging a deprivation of rights"

9. Page 6, line 19.
Strike: "MUST"
Insert: "may"

10. Page 11, following line 5.
Insert: "(vi) the governor;"
Renumber: subsequent subsections

11. Page 20, following line 3.
Insert: "(5) A state agency or a third party that is required to issue a notification to an individual pursuant to this section shall simultaneously submit to the state's chief information officer at the department of administration an electronic copy of the notification and a statement providing the date and method of distribution of the notification. The electronic copy and statement of notification must exclude any information that identifies the person who is entitled to receive notification. If a notification is made to more than one person, a single copy of the notification that includes the number of people who were notified must be submitted to the chief information officer."

12. Page 21, line 23.
Strike: "accurate and appropriate minutes"
Insert: "minutes taken in compliance with subsection (2)"

13. Page 21, line 28.
Strike: "who alleges a violation and"
Insert: "alleging a deprivation of rights"

14. Page 21, line 29.
Strike: "plaintiff's"
Insert: "person's"
Strike: "must"
Insert: "may"

15. Page 23, line 27.
Following: "confidential"
Insert: "information as defined in [section 2]"

16. Page 23, line 28.
Strike: "under [section 3]"

17. Page 25, line 16.
Following: "confidential"

Insert: "information as defined in [section 2]"

18. Page 25, line 17.
Strike: "under [section 3]"

19. Page 28, line 8 through line 9.
Strike: "exempt" on line 28 through "[section 3]" on line 9
Insert: "confidential information as defined in [section 2]"

20. Page 29, line 5 through line 6.
Strike: "exempt" on line 5 through "any other" on line 6
Insert: "confidential information as defined in [section 2] and is exempt from any"

21. Page 35, line 22.
Following: "information"
Strike: "may not be considered a public record"

Insert: "is confidential information as defined in [section 2]"

22. Page 35, line 23.
Strike: "under [section 3]"

23. Page 40, line 3.
Following: "~~chapter 6~~"
Insert: ", are confidential information as defined in [section 2],"

24. Page 42, line 12 through line 13.
Strike: "under" on line 12 through "[section 3]" on line 13

25. Page 44, line 27.
Insert: "COORDINATION SECTION. **Section 61. Coordination instruction.** If both House Bill No. 74 and [this act] are passed and approved, then [section 25 of this act] must be amended as follows:

"NEW SECTION. **Section 25. Definitions.** As used in [sections 25 through 27], the following definitions apply:

(1) "Breach of the security of a data system" or "breach" means the unauthorized acquisition of computerized data that:

(a) materially compromises the security, confidentiality, or integrity of the personal information maintained by a state agency or by a third party on behalf of a state agency; and

(b) causes or is reasonably believed to cause loss or injury to a person.

(2) "Individual" means a human being.

(3) "Person" means an individual, a partnership, a corporation, an association, or a public organization of any character.

(4) (a) "Personal information" means a first name or first initial and last name in combination with any one or more of the following data elements when the name and data elements are not

encrypted:

(i) a social security number ~~or tax identification number~~;

(ii) a driver's license number, an identification card number issued pursuant to 61-12-501, a tribal identification number or enrollment number, or a similar identification number issued by any state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or American Samoa; ~~or~~

(iii) an account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to a person's financial account;

(iv) medical record information as defined in 33-19-104;

(v) a taxpayer identification number; or

(vi) an identity protection personal identification number issued by the United States internal revenue service.

(b) The term does not include publicly available information from federal, state, local, or tribal government records.

(5) "Redaction" means the alteration of personal information contained within data to make all or a significant part of the data unreadable. The term includes truncation, which means that no more than the last four digits of an identification number are accessible as part of the data.

(6) (a) "State agency" means an agency, authority, board, bureau, college, commission, committee, council, department, hospital, institution, office, university, or other instrumentality of the legislative or executive branch of state government. The term includes an employee of a state agency acting within the course and scope of employment.

(b) The term does not include an entity of the judicial branch.

(7) "Third party" means:

(a) a person with a contractual obligation to perform a function for a state agency; or

(b) a state agency with a contractual or other obligation to perform a function for another state agency.""

Insert: "COORDINATION SECTION. **Section 62. Coordination instruction.** If both House Bill No. 74 and [this act] are passed and approved, then [section 27 of this act] must be amended as follows:

"NEW SECTION. **Section 27. Notification of breach of security of data system.** (1) (a) Upon discovery or notification of a breach of the security of a data system, a state agency that maintains computerized data containing personal information in the data system shall make reasonable efforts to notify any person whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person.

(b) The notification must be made without unreasonable delay, consistent with the legitimate needs of law enforcement as provided in subsection (3) or with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the data system.

(2) (a) A third party that receives personal information from a state agency and maintains that information in a computerized data system to perform a state agency function shall:

(i) notify the state agency immediately following discovery of the breach if the personal information is reasonably believed to have been acquired by an unauthorized person; and

(ii) make reasonable efforts upon discovery or notification of a breach to notify any person whose unencrypted personal information is reasonably believed to have been acquired by an unauthorized person as part of the breach. This notification must be provided in the same manner

as the notification required in subsection (1).

(b) A state agency notified of a breach by a third party has no independent duty to provide notification of the breach if the third party has provided notification of the breach in the manner required by subsection (2)(a) but shall provide notification if the third party fails to do so in a reasonable time and may recover from the third party its reasonable costs for providing the notice.

(3) The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation and requests a delay of notification. The notification required by this section must be made after the law enforcement agency determines that the notification will not compromise the investigation.

(4) All state agencies and third parties to whom personal information is disclosed by a state agency shall develop and maintain:

(a) an information security policy designed to safeguard personal information; and

(b) breach notification procedures that provide reasonable notice to individuals as provided in subsections (1) and (2).

(5) A state agency or third party that is required to issue a notification to an individual pursuant to this section shall simultaneously submit to the state's chief information officer at the department of administration and to the attorney general's consumer protection office an electronic copy of the notification and a statement providing the date and method of distribution of the notification. The electronic copy and statement of notification must exclude any information that identifies the person who is entitled to receive notification. If a notification is made to more than one person, a single copy of the notification that includes the number of people who were notified must be submitted to the chief information officer and the consumer protection office.""

Insert: "COORDINATION SECTION. **Section 63. Coordination instruction.** If both House Bill No. 448 and [this act] are passed and approved and if both contain a section that amends 2-3-221, then House Bill No. 448 is void."

26. Page 44, following line 26.

Insert: "COORDINATION SECTION. **Section 64. Coordination instruction.** If both House Bill No. 28 and [this act] are passed and approved, then the reference in House Bill No. 28 to "2-6-102, 2-6-110" in [section 1(1)(a)] must be changed to "[sections 3 through 5 of House Bill No. 123]"."

Insert: "COORDINATION SECTION. **Section 65. Coordination instruction.** If both House Bill No. 608 and [this act] are passed and approved, then the reference in House Bill No. 608 to "2-6-102" in [section 6(3)] must be changed to "[section 3 of House Bill No. 123]"."

Insert: "COORDINATION SECTION. **Section 66. Coordination instruction.** If both Senate Bill No. 399 and [this act] are passed and approved, then the reference in Senate Bill No. 399 to "2-6-102 and 2-6-104" in [section 13] must be changed to [section 3 of House Bill No. 123]"."

Insert: "COORDINATION SECTION. **Section 67. Coordination instruction.** If both House Bill No. 119 and [this act] are passed and approved, then [section 8(1) of House Bill No. 119] must be amended as follows:

"(1) Information provided or developed under [sections 1 through 9] for an own risk and

solvency assessment or ORSA summary report and in the possession of or control of the commissioner or any other person under [sections 1 through 9] is recognized as proprietary and containing trade secrets. The information is confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, is not admissible ~~as~~ in evidence in any civil action, and is not subject to subpoena, discovery, ~~the provisions of 2-6-102,~~ or
the provisions of the Freedom of Information Act, 5 U.S.C. 552.""

Insert: "COORDINATION SECTION. **Section 68. Coordination instruction.** If both House Bill No. 119 and [this act] are passed and approved, then [section 8(8) of House Bill No. 119] must be amended as follows:

"(8) Information in the possession of or control of the NAIC or a third-party consultant pursuant to [sections 1 through 9] is confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, is not admissible in evidence in any private civil action, and is not subject to ~~2-6-102,~~ subpoena~~,~~ or discovery.""

Insert: "COORDINATION SECTION. **Section 69. Coordination instruction.** If both House Bill No. 119 and [this act] are passed and approved, then [section 15(1) of House Bill No. 119] must be amended as follows:

"(1) Except as provided in subsection (9), a company's confidential information is confidential information as provided in [section 2 of House Bill No. 123] ~~confidential~~ and privileged, ~~and~~ is not subject to subpoena~~,~~ or discovery, ~~or public information requests under 2-6-102 or~~ and is not admissible in evidence in any private civil action.""

Insert: "COORDINATION SECTION. **Section 70. Coordination instruction.** If both House Bill No. 119 and [this act] are passed and approved, then [section 31(1) of House Bill No. 119], amending 33-2-116(1), must be amended as follows:

"(1) Documents, materials, and other information in the possession or control of the commissioner that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to 33-2-1115 and all information reported pursuant to 33-2-1104(3)(l), 33-2-1104(3)(m), 33-2-1111, and 33-2-1113 ~~must be~~ are confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, are not subject to ~~2-6-102,~~ subpoena~~,~~ or discovery, and are not admissible in evidence in any private civil action. The commissioner is authorized to use the documents, materials, and other information to further any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner may not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which the documents, materials, or other information pertains unless the commissioner, after giving notice and an opportunity to be heard to the insurer and the insurer's affiliates who would be affected, determines that the interest of policyholders, shareholders, or the public would be served by the publication. On a determination that the interest of policyholders, shareholders, or the public would be served, the commissioner may publish all or any part of the documents, materials, or other information in a manner that the commissioner considers appropriate.""

"COORDINATION SECTION. **Section 71. Coordination instruction.** If both House Bill No. 119 and [this act] are passed and approved, then [section 31(7) of House Bill No. 119],

amending 33-2-1116(7), must be amended as follows:

"(7) Documents, materials, and other information in the possession or control of the NAIC pursuant to [sections 10 through 16], 33-2-521 through 33-2-529, 33-2-531, 33-2-537, and this section are confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, are not admissible in evidence in a private civil action, and are not subject to ~~2-6-102,~~ subpoena~~,~~ or discovery.""

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 4/1/2015

HB 359, be amended as follows:

1. Page 15, line 30.
Following: "2"
Insert: "or 8"

2. Page 16, line 8.
Following: line 7

"COORDINATION SECTION. **Section 8. Coordination instruction.** If both Senate Bill No. 200 and [this act] are passed and approved and if both contain a section that amends 15-30-2103, then the sections amending 15-30-2103 are void and 15-30-2103 must be amended as follows:

"15-30-2103. Rate of tax. (1) There must be levied, collected, and paid for each tax year upon the taxable income of each taxpayer subject to this tax, after making allowance for exemptions and deductions as provided in this chapter, a tax on the brackets of taxable income as follows:

(a) on the first ~~$2,300~~ $3,000 of taxable income or any part of that income, ~~1%~~ 0.9%;
(b) on the next ~~$1,800~~ $3,000 of taxable income or any part of that income, ~~2%~~ 1.9%;
(c) on the next ~~$2,100~~ $3,000 of taxable income or any part of that income, ~~3%~~ 2.8%;
(d) on the next ~~$2,200~~ $2,500 of taxable income or any part of that income, ~~4%~~ 3.8%;
(e) on the next ~~$2,400~~ $3,000 of taxable income or any part of that income, ~~5%~~ 4.8%;
(f) on the next ~~$3,100~~ $3,500 of taxable income or any part of that income, ~~6%~~ 5.8%;
(g) on any taxable income in excess of ~~$13,900~~ $18,000 or any part of that income, ~~6.9%~~ 6.7%.

(2) By November 1 of each year, the department shall multiply the bracket amount contained in subsection (1) by the inflation factor for ~~that~~ the following tax year and round the cumulative brackets to the nearest $100. The resulting adjusted brackets are effective for that following tax year and must be used as the basis for imposition of the tax in subsection (1) of this section."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 379, be amended as follows:

1. Page 20, line 27.
Following: line 26
Insert: "COORDINATION SECTION. **Section 15. Coordination instruction.** If both Senate Bill No. 65 and [this act] are passed and approved and if both contain a section that amends 15-30-2604, then [section 10] of Senate Bill No. 65 amending 15-30-2604 is void."
Renumber: subsequent sections

2. Page 20, line 30.
Following: "7,"
Strike: "and"
Strike: "14"
Insert: "15, and 17"

And, as amended, be concurred in. Report adopted.

HB 411, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 31, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Monday, March 30, 2015, I signed the following bills:

Senate Bill 77 - Debby Barrett
Senate Bill 88 - J. Brenden
Senate Bill 89 - J. Brenden

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

Additional correspondence from the Governor stated he was looking forward to the Executive versus Legislature basketball game in support of Big Brothers and Big Sisters.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/31/2015

HB 4, introduced by N. Ballance
HB 6, introduced by M. Cuffe
HB 7, introduced by M. Cuffe
HB 10, introduced by K. McCarthy
HB 11, introduced by M. Cuffe
HB 154, introduced by R. Hollandsworth
HB 219, introduced by J. Essmann
HB 234, introduced by N. Ballance
HB 269, introduced by T. Jacobson
HB 305, introduced by K. Dudik
HB 341, introduced by B. Harris
HB 356, introduced by D. Jones
HB 403, introduced by D. Hagstrom
HB 416, introduced by R. Mehlhoff
HB 421, introduced by T. Berry
HB 472, introduced by T. Jacobson
HB 510, introduced by A. Redfield
HB 512, introduced by D. Mortensen
HB 559, introduced by G. Kipp
HB 596, introduced by A. Knudsen
HB 599, introduced by L. Randall
HB 604, introduced by E. Greef
HB 606, introduced by C. Clark
HB 607, introduced by K. Wagoner
HB 610, introduced by Z. Brown
HB 612, introduced by K. Dudik
HB 614, introduced by A. Wittich
HB 617, introduced by S. Lavin
HB 618, introduced by C. Pope
HB 627, introduced by R. Brodehl
HB 628, introduced by R. Brodehl
HB 629, introduced by A. Redfield
HB 637, introduced by A. Person

HB 566, introduced by J. Essmann, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with

the following vote:

3/31/2015

Yeas - 57
Nays - 42

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 50, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 51, introduced by T. Brown, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 4, introduced by N. Ballance (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 6, introduced by M. Cuffe, referred to Finance and Claims.
HB 7, introduced by M. Cuffe, referred to Finance and Claims.
HB 10, introduced by K. McCarthy (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 11, introduced by M. Cuffe, referred to Finance and Claims.
HB 154, introduced by R. Hollandsworth, referred to Taxation.
HB 219, introduced by J. Essmann, J. Hinkle, referred to Judiciary.
HB 234, introduced by N. Ballance, C. Glimm, R. Webb, K. White, referred to Finance and Claims.
HB 269, introduced by T. Jacobson, referred to Fish and Game.
HB 305, introduced by K. Dudik, referred to Public Health, Welfare and Safety.
HB 341, introduced by B. Harris, B. Bennett, B. Brown, Z. Brown, V. Court, M. Dunwell, M. Funk, F. Garner, E. Greef, D. Hagstrom, F. Mandeville, W. McKamey, D. Mortensen, A. Olsen, Z. Perry, A. Person, D. Salomon, B. Tschida, A. Wittich, referred to Taxation.
HB 356, introduced by D. Jones, W. McKamey, referred to Education and Cultural Resources.
HB 403, introduced by D. Hagstrom, referred to Finance and Claims.
HB 416, introduced by R. Mehlhoff, D. Ankney, E. Buttrey, M. Caferro, W. Curdy, M. Dunwell, J. Ellis, S. Fitzpatrick, M. Funk, B. Hamlett, R. Hollandsworth, C. Hunter, T. Jacobson, J. Keane, C. Larsen, E. Lieser, K. McCarthy, E. McClafferty, W. McKamey, M. Moe, P. Noonan, R. Peppers, G. Pierson, J. Price, C. Schreiner, M. Tropila, G. Vuckovich, J. Windy Boy, referred to Taxation.
HB 421, introduced by T. Berry, referred to Taxation.
HB 472, introduced by T. Jacobson, G. Hertz, D. Jones, referred to Public Health, Welfare and Safety.
HB 510, introduced by A. Redfield, referred to Natural Resources.
HB 512, introduced by D. Mortensen, D. Ankney, E. Arntzen, S. Berglee, T. Brown, V. Court, G. Custer, C. Fiscus, F. Garner, D. Hagstrom, B. Harris, K. Holmlund, D. Jones, J. Karjala, D. Kary, K. Kelker, A. Knudsen, M. Lang, S. Laszloffy, R. Lynch, F. Mandeville, K. McCarthy, M. McNally, C. Pease-Lopez, A. Redfield, V. Ricci, T. Richmond, R. Shaw, C. Smith, S. Staffanson, N. Swandal, R. Webb, referred to Finance and Claims.
HB 559, introduced by G. Kipp, J. Windy Boy, referred to Education and Cultural Resources.

HB 566, introduced by J. Essmann, referred to State Administration.
HB 596, introduced by A. Knudsen, G. Bennett, B. Brown, A. Doane, C. Fiscus, B. Harris, G. Hertz, K. Holmlund, D. Lamm, S. Lavin, T. Manzella, D. Mortensen, K. Regier, S. Staffanson, B. Tschida, referred to Education and Cultural Resources.
HB 599, introduced by L. Randall, referred to Highways and Transportation.
HB 604, introduced by E. Greef, T. Steenberg, referred to Highways and Transportation.
HB 606, introduced by C. Clark, referred to Finance and Claims.
HB 607, introduced by K. Wagoner, referred to State Administration.
HB 610, introduced by Z. Brown, B. Bennett, S. Laszloffy, K. McCarthy, N. McConnell, A. Person, N. Schwaderer, referred to Education and Cultural Resources.
HB 612, introduced by K. Dudik, R. Brodehl, K. Hansen, K. Holmlund, C. Wolken, referred to Judiciary.
HB 614, introduced by A. Wittich, referred to Public Health, Welfare and Safety.
HB 617, introduced by S. Lavin, J. Eck, R. Ehli, F. Garner, B. Keenan, A. Knudsen, R. Lynch, P. Noonan, L. Randall, R. Ripley, referred to Education and Cultural Resources.
HB 618, introduced by C. Pope, referred to Business, Labor, and Economic Affairs.
HB 627, introduced by R. Brodehl, G. Bennett, A. Doane, K. Dudik, R. Ehli, J. Ellis, F. Garner, C. Glimm, E. Greef, K. Hansen, S. Hess, K. Holmlund, C. Hunter, D. Jones, B. Keenan, D. Lamm, R. Lynch, A. Olsen, A. Person, A. Redfield, N. Schwaderer, T. Steenberg, B. Tschida, K. Wagoner, J. Eck, referred to Judiciary.
HB 628, introduced by R. Brodehl, A. Doane, K. Dudik, C. Glimm, E. Greef, K. Hansen, S. Hess, K. Holmlund, D. Jones, D. Lamm, A. Person, A. Redfield, N. Schwaderer, T. Steenberg, K. Wagoner, referred to Highways and Transportation.
HB 629, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.
HB 637, introduced by A. Person, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brenden in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 258 - Senator McNally moved consideration of **HB 258** be moved to Wednesday, April 8, 2015, the seventieth legislative day. Without objection, so ordered.

SB 48 - **House Amendments** - Senator Vincent moved House amendments to **SB 48** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski,

Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 101 - **House Amendments** - Senator Driscoll moved House amendments to **SB 101** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Fielder, Kary, Smith.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 150 - **House Amendments** - Senator Windy Boy moved House amendments to **SB 150** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Brenden, Fielder, Rosendale, Smith.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 126 - **Conference Committee Report No. 1** - Senator Webb moved the Conference Committee report to **SB 126** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 33

Nays: Barrett Dick, Brenden, Caferro, Cohenour, Driscoll, Kaufmann, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 262 - Senator Ankney moved **HB 262** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Brenden, Buttrey, Cohenour, Connell, Facey, Hamlett, Hinkle, Jones, Kary, Kaufmann, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Swandal, Taylor, Wolken, Ms. President.
Total 25

Nays: Arntzen, Blasdel, D. Brown, T. Brown, Caferro, Driscoll, Fielder, Hansen, Hoven, Howard, Keane, Keenan, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 262 - Majority Leader Rosendale moved **HB 262** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan, Moore, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Taylor, Tutvedt, Vance, Vincent, Webb, Whitford, Windy Boy.
Total 30

Nays: Ankney, Blasdel, Cohenour, Connell, Facey, Jones, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Swandal, Thomas, Vuckovich, Wolken, Ms. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Brenden moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vance, Vincent, Whitford, Windy Boy, Wolken.
Total 33

Nays: Ankney, Blasdel, D. Brown, Cohenour, Connell, Facey, Howard, Kary, Kaufmann, Moe, Rosendale, Smith, Swandal, Thomas, Vuckovich, Webb, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 18 passed as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore,

Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 32

Nays: Ankney, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 20 passed as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Ankney, Sales, Smith, Taylor, Vance.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 21 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Fielder, Hinkle, Howard, Ripley, Sales, Smith, Taylor, Vance, Vincent.
Total 9

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SJ 22 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Brenden, Hinkle, Ripley, Sales, Smith, Vance, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 358 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 34

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 374 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally,

Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 32

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 478 concurred in as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Arntzen, Brenden, Hinkle, Vance.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 14 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Brenden, Hansen, Hinkle, Keenan, Ripley, Sales, Smith, Vance, Vincent, Webb.
Total 10

Absent or not voting: None.

Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/1/2015
HB 115, be amended as follows:

1. Title, page 1, line 7.
Following: "LICENSEES;"
Strike: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 12.
Following: "**check**"
Strike: "**-- rulemaking**"

3. Page 1, line 17.
Following: line 17
Insert: "(2) Each license applicant is responsible to pay all fees charged in relation to obtaining the state and federal criminal history background check."

4. Page 1, line 18 through line 20.
Strike: line 18 through line 20
Insert: "(3) The board may require licensees renewing their licenses to submit a full set of their fingerprints to the board for the purpose of obtaining a state and federal criminal history background check. The Montana department of justice may share this fingerprint data with the federal bureau of investigation."

5. Page 2, line 7.
Following: "~~and~~"
Insert: "and"

And, as amended, be concurred in. Report adopted.

HB 538, be amended as follows:

1. Title, page 1, line 5.
Strike: "ANOTHER STATE"
Insert: "NORTH DAKOTA"

2. Title, page 1, line 6.
Strike: "THE OTHER STATE"
Insert: "NORTH DAKOTA"

3. Title, page 1, line 7.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

4. Page 1, line 25.
Strike: "ANOTHER STATE"
Insert: "North Dakota"

5. Page 1, line 28.
Strike: "THE OTHER STATE."
Insert: "North Dakota. For purposes of this section, "work solely in North Dakota" means the employee does not perform job duties in Montana and coverage is required by the state of North Dakota. Travel that is commuting to and from a job site in North Dakota from a location in Montana does not constitute performing job duties in Montana even if the employer pays for all or a portion of the costs of travel or if the worker is paid for the travel time."

6. Page 1, line 30.
Strike: "THE OTHER STATE AND RECORDS OF WORK IN THE OTHER STATE."
Insert: "North Dakota and records of work in North Dakota. An insurer may use a verification of employment form, developed by the department, to request an attestation by the employer regarding the employees working solely in North Dakota."

7. Page 2, line 1 through line 2.
Strike: subsection (3) in its entirety
Insert: "(3) (a) This section does not exempt an employee from coverage under this chapter when the employee's usual job duties begin in this state and the employee is otherwise covered under 39-71-407(4)(a).
(b) This section exempts an employee from coverage under this chapter when the employee is engaged in travel while commuting as provided in subsection (1)."

8. Page 6, line 19.
Following: line 18
Insert: "NEW SECTION. **Section 5. Termination.** [This act] terminates June 30, 2019."

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Hinkle moved **HB 245** be moved from the Agriculture, Livestock and Irrigation Committee to the Public Health, Welfare and Safety Committee. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, Caferro, Cohenour, Fielder, Hansen, Hinkle, Howard, Kary,

Kaufmann, Keane, Keenan, McNally, Pomnichowski, Rosendale, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vincent, Webb, Wolken, Ms. President.
Total 26

Nays: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Larsen, Malek, Moe, Moore, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Vance, Vuckovich, Whitford, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, April 7, 2015, the sixty-ninth legislative day. Motion carried.

Senate adjourned at 2:00 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 7, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Arntzen, Buttrey and Connell excused. Quorum present.

BILLS AND JOURNALS 4/7/2015
Correctly printed: **SR 36**, **SR 38**, **SR 39**, **SR 40**, **SR 41**, **SR 50**, **SR 51**, **HB 29**, **HB 280**, **HB 411**, **HB 470**, **HB 557**, **HJ 16**.
Correctly engrossed: **HB 115**, **HB 119**, **HB 123**, **HB 359**, **HB 379**, **HB 470**, **HB 517**, **HB 538**.
Transmitted to the House: **SJ 18**, **SJ 20**, **SJ 21**, **SJ 22**, **HB 358**, **HB 374**, **HB 478**, **HJ 14**.
Signed by the President at 4:01 p.m., April 1, 2015: **SR 14**, **SR 19**, **SR 21**, **SR 24**, **SR 25**.
Delivered to the Secretary of State at 11:18 a.m., April 7, 2015: **SR 14**, **SR 19**, **SR 21**, **SR 24**, **SR 25**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/1/2015
HB 2, be amended as follows:

1. Title, page 1, line 4.
Strike: "BIENNIUM"
Insert: "BIENNIUMS"
Following: "ENDING"
Insert: "JUNE 30, 2015, AND "
Following: "PROVIDING"
Strike: "AN"

2. Title, page 1, line 5.
Strike: "DATE"
Insert: "DATES"

3. Page BP-1, line 13.
Following: line 12
Insert: "NEW SECTION. **Section 3. Legislative intent.** The legislature intends that the funding contained in this bill for personal services fully funds current salaries of state positions and imposes a 2% vacancy savings."
Renumber: subsequent sections

4. Page BP-1, line 29.

Strike: "date"
Insert: "dates"
Strike: "[This"
Insert: "(1) Except as provided in subsection (2), [this"

5. Page BP-1.
Following: line 29
Insert: "(2) [Section 9] is effective on passage and approval."

6. Page BP-1, line 30.
Following: line 29
Insert: "NEW SECTION. **Section 9. Appropriations.** The following money is appropriated from the general fund to provide necessary and ordinary expenditures for the fiscal year ending June 30, 2015. The unspent balance of any appropriation must revert to the general fund.

Agency and Program	Amount
Commissioner of Political Practices	$94,000
Office of Public Instruction	
BASE Aid	$9,000,000
Block Grants	$400,000
Department of Administration	
Risk Management and Tort Defense	$6,000,000
Office of Public Defender	
Public Defender	$100,000
Conflict Coordinator Program	$1,600,000
Department of Corrections	
Secure Facilities	$7,000,000"

Renumber: subsequent sections

7. Page A-1.
Following: "Division (20)" on line 3
Insert: "(Biennial)"

Following: "Activities (21)" on line 6
Insert: "(Biennial)"

Following: "Review (27)" on line 9
Insert: "(Biennial)"

Following: "Examination (28)" on line 12
Insert: "(Biennial)"

8. Page A-1.
Strike: line 4 in its entirety
Insert: "7,486,644 7,699,946" [General Fund FY16 & FY17]

Insert: "816,390 263,304" [State Special Fund FY16 & FY17]

Strike: line 20 in its entirety
Insert: "1,700,160 1,713,994" [State Special Fund FY16 & FY17]

9. Page A-1.
Strike: line 7 in its entirety
Insert: "745,628 598,938" [General Fund FY16 & FY17]

10. Page A-1, following line 7.
Insert: "a. ETIC/EQC Carbon Dioxide Study (Restricted/Biennial/OTO)
5,766 3,844" [General Fund FY16 & FY17]

11. Page A-1.
Strike: line 27 in its entirety
Insert: "2,643,370 2,639,118" [General Fund FY16 & FY17]

Strike: line 30 in its entirety
Insert: "148,678 149,036" [General Fund FY16 & FY17]

Strike: line 33 in its entirety
Insert: "327,364 330,146" [General Fund FY16 & FY17]

Strike: line 36 in its entirety
Insert: "1,896,347 1,905,384" [General Fund FY16 & FY17]

12. Page A-2.
Strike: line 2 in its entirety
Insert: "187,649 188,025" [General Fund FY16 & FY17]

Strike: line 5 in its entirety
Insert: "407,531 408,523" [General Fund FY16 & FY17]

Strike: line 10 in its entirety
Insert: "310,990 310,557" [General Fund FY16 & FY17]

Strike: line 13
Insert: "125,643 125,329" [General Fund FY16 & FY17]

Strike: line 16 in its entirety
Insert: "457,672 457,877" [General Fund FY16 & FY17]

Strike: line 32 in its entirety
Insert: "559,780 562,398" [General Fund FY16 & FY17]

13. Page A-2, line 17.
Following: line 16
Insert: "10. Personal Services Contingency Base Funding (Restricted)
Insert: "2,444,921 2,450,922" [General Fund FY16 & FY17]
Insert: "1,948,157 1,959,152" [State Special Fund FY16 & FY17]
Insert: "1,285,790 1,290,514" [Federal Special Fund FY16 & FY17]
Insert: "43,767 43,587" [Proprietary FY16 & FY17]

14. Page A-2, line 20.
Following: line 19
Insert: "Personal Services Contingency Base Funding is to be allocated and transferred at the discretion of the governor in an amount determined by the governor and may be used only by a recipient agency to increase its personal services base. With this funding, no more than a total of 10 FTE statewide may be added to the personal services base in the executive's proposed budget for the biennium beginning July 1, 2017."

15. Page A-3, line 5.
Strike: "2,157,117 2,156,706" [State Special Fund FY16 & FY17]
Insert: "2,163,572 2,163,161" [State Special Fund FY16 & FY17]

16. Page A-3, line 29.
Strike: "13,184,764 13,284,650" [General Fund FY16 & FY17]
Insert: "13,224,827 13,320,660" [General Fund FY16 & FY17]

17. Page A-4, line 1.
Strike: "2,671,407 2,660,453" [Proprietary FY16 & FY17]
Insert: "2,672,763 2,661,809 " [Proprietary FY16 & FY17]

18. Page A-4, line 9.
Strike: "8,541,042 8,522,397" [General Fund FY16 & FY17]
Insert: "8,567,655 8,563,184" [General Fund FY16 & FY17]

19. Page A-4, line 12.
Strike: "9,497,012 9,597,344" [General Fund FY16 & FY17]
Insert: "9,494,406 9,594,738" [General Fund FY 16 & FY17]

20. Page A-4, line 17.
Strike: "20,864,374 20,699,740" [General Fund FY16 & FY17]
Insert: "20,858,646 20,694,012" [General Fund FY16 & FY17]

21. Page A-4, line 38.
Strike: "1,535,418 1,536,087" [General Fund FY16 & FY17]
Insert: "1,581,655 1,588,348" [General Fund FY16 & FY17]

Strike: "1,066 1,066" [Federal Special Fund FY16 & FY17]

Insert: "1,427 1,427" [Federal Special Fund FY16 & FY17]

Strike: "55,024 55,024" [Proprietary FY16 & FY17]
Insert: "55,330 55,373" [Proprietary FY16 & FY 17]

22. Page A-5.
Strike: line 2 in its entirety
Insert: "2,051,152 2,057,160" [State Special Fund FY16 & FY17]

23. Page A-5, line 7.
Strike: "160,339 160,021" [State Special Fund FY16 & FY17]
Insert: "161,091 160,878" [State Special Fund FY16 & FY17]

24. Page A-5.
Strike: line 23 in its entirety
Insert: "4,326,327 4,269,191" [State Special Fund FY16 & FY17]

25. Page A-6.
Following: line 5
Insert: "a. Additional Operating Adjustments (OTO)"
Insert: "149,199 151,247" [General Fund FY16 & FY17]

26. Page A-6.
Strike: line 7 in its entirety
Insert: "650,763 630,988" [General Fund FY16 & FY17]

27. Page A-6.
Strike: line 19 in its entirety
Insert: "2,251,218 2,257,116" [General Fund FY16 & FY17]
Insert: "760,539 760,490" [State Special Fund FY16 & FY17]
Insert: "4,223,354 4,223,238" [Federal Special Fund FY16 & FY17]
28. Page A-6.
Strike: line 31 through line 32 in their entirety

29. Page A-6.
Following: line 34
Insert: "i. Montana Manufacturing Extension Service (Restricted)"
Insert: "100,000 100,000" [General Fund FY16 & FY17]

30. Page A-6.
Following: line 34
Insert: "h. Gap Financing Program (Biennial/OTO)"
Insert: "250,000 250,000" [State Special Fund FY16 & FY17]

31. Page A-7, line 4.

Strike: "723,192 724,364" [General Fund FY16 & FY17]
Insert: "778,834 765,017" [General Fund FY16 & FY17]

Strike: "1,125,861 1,127,002" [State Special Fund FY16 & FY17]
Insert: "1,157,793 1,159,293" [State Special Fund FY16 & FY17]
32. Page A-7.
Following: line 11
Insert: "d. Capital Improvement Grants (Restricted/Biennial/OTO)"
Insert: "1,500,000" [General Fund FY 16]

33. Page A-7.
Following: line 23
Insert: "Business Resources Division is appropriated up to an additional $1,450,000 in each fiscal year from the microbusiness development loan account and finance program administrative account provided for in 17-6-407 if there are sufficient funds available in the account. The additional appropriation may be used only to provide additional microbusiness development loans."

34. Page A-7.
Following: line 23
Insert: "Montana Manufacturing Extension Service is restricted to providing for an engineering consultant and related operating costs."

35. Page A-7.
Strike: line 28 in its entirety
Insert: "39,417 52,332" [General Fund FY16 & FY17]
Insert: "10,961,055 10,895,433" [State Special Fund FY16 & FY17]
Insert: "17,648,440 17,698,042" [Federal Special Fund FY16 & FY17]

36. Page A-7, line 31.
Strike: "4,807,435 4,810,988" [State Special Fund FY16 & FY17]
Insert: "5,005,136 4,998,896" [State Special Fund FY16 & FY17]

Strike: "10,752,811 10,779,192" [Federal Special Fund FY16 & FY17]
Insert: "10,900,478 10,936,730" [Federal Special Fund FY16 & FY17]

37. Page A-7, line 36.
Strike: "423,966 425,244" [Federal Special Fund FY16 & FY17]
Insert: "425,160 426,438" [Federal Special Fund FY16 & FY17]

38. Page A-8, line 1.
Strike: "1,280,640 1,290,331" [General Fund FY16 & FY17]
Insert: "1,425,963 1,426,267" [General Fund]

Strike: "11,174,987 11,200,055" [State Special Fund FY16 & FY17]

Insert: "11,511,122 11,545,176" [State Special Fund FY16 & FY17]
Strike: "659,065 664,738" [Federal Special Fund FY16 & FY17]
Insert: "724,387 732,697" [Federal Special Fund FY16 & FY17]

39. Page A-8, line 6.
Strike: "16,797,883 16,943,376" [State Special Fund FY16 & FY17]
Insert: "17,502,485 17,625,286" [State Special Fund FY16 & FY17]
40. Page A-8.
Strike: line 23 in its entirety
Insert: "711,889 712,708" [State Special Fund FY16 & FY17]

41. Page A-8, line 31.
Strike: "695,905 685,702" [General Fund FY16 & FY17]
Insert: "711,480 701,277" [General Fund FY16 & FY17]

42. Page A-9, line 22.
Strike: "1,265,261 [General Fund FY16]
59,641 [State Special FY16]
Insert: "1,264,472 [General Fund FY16]
60,430" [State Special FY16]

43. Page B-1.
Following: line 11
Insert: "a. Child Care STARS to Quality (OTO) 1,200,000 1,200,000" [General Fund FY16 & FY17]
44. Page B-1.
Following: line 11
Insert: "b. Office of Public Assistance (OTO) 159,303 158,948" [General Fund FY16 & FY17]
Insert: "20,252 20,207" [State Special Fund FY16 & FY17]
Insert: "251,818 251,253" [Federal Special Fund FY16 & FY17]

45. Page B-1, line 14.
Strike: "38,396,485" [General Fund FY16]
Insert: "38,466,232" [General Fund FY16]
Strike: "29,278,222 29,541,744" [Federal Special Fund FY16 & FY17]
Insert: "29,280,054 29,543,576" [Federal Special Fund FY16 & FY17]

46. Page B-1, line 15.
Strike: "39,782,064" [General Fund FY17]
Insert: "39,851,811" [General Fund FY17]

47. Page B-1.
Following: line 18
Insert: "b. Safe Child Initiative (Biennial) 1,000,000 1,000,000" [General Fund FY16 & FY17]

Insert: "675,000 675,000" [Federal Special Fund FY16 & FY17]

48. Page B-1.
Following: line 28
Insert: "If HB 305 is not passed and approved, then the Safe Child Initiative is appropriated an additional $500,000 of general fund in each year of the 2017 biennium."

49. Page B-1, line 31.
Strike: line 31 in its entirety
Insert: "2,510,093 2,514,053" [General Fund FY16 & FY17]
Insert: "610,196 610,540" [State Special Fund FY16 & FY17]
Insert: "2,458,270 2,459,860" [Federal Special Fund FY16 & FY17]

50. Page B-2, line 10.
Strike: line 10 in its entirety
Insert: "11,312,259 11,732,206" [General Fund FY16 & FY17]
"1,629,621 1,386,761" [State Special Fund FY16 & FY17]
"15,801,346 15,138,197 [Federal Special Fund FY16 & FY17]

51. Page B-2, line 23.
Strike: "17,885,780 17,889,732" [State Special Fund FY16 & FY17]
Insert: "18,075,780 18,079,732" [State Special Fund FY16 & FY17]

52. Page B-2, line 30.
Strike: "89,091,683 92,028,806" [General Fund FY16 & FY17]
Insert: "89,075,706 92,016,432" [General Fund FY16 & FY17]

53. Page B-2, line 37.
Following: line 37
Insert: "d. Suicide Prevention Grants (OTO) 125,000 125,000" [General Fund FY16 & FY17]

54. Page B-3, line 1.
Strike: "148,394,843 157,575,631 [General Fund FY16 & FY17]
516,473,580 559,690,533" [Federal Special Fund FY16 & FY17]
Insert: "146,425,667 154,625,870 [General Fund FY16 & FY17]
518,442,756 562,640,294" [Federal Special Fund FY16 & FY17]

55. Page B-3, line 9.
Strike: "29,144,391 28,665,930" [State Special FY16 & FY17]
Insert: "29,136,418 28,656,943" [State Special FY16 & FY17]

56. Page B-3, following line 16.
Insert: "d. Direct Care Worker Wage Increase (Restricted)
763,612 1,546,595 [General Fund FY16 and FY17]

1,436,997 2,910,452" [Federal Special Fund FY16 and FY17]

57. Page B-3, line 19.
Strike: "73,127,212 74,428,881 [General Fund FY16 & FY17]
15,204,285 15,675,089 [State Special Fund FY16 & FY17]
60,329,029 61,427,707" [Federal Special Fund FY16 & FY17]
Insert: "73,597,072 74,900,654" [General Fund FY16 & FY17]
15,203,231 15,674,146 [State Special Fund FY16 & FY17]
60,321,839 61,421,274" [Federal Special Fund FY16 & FY17]

58. Page B-3, line 29.
Strike: "0 0" [Federal Funds FY16 & FY17]
Insert: "238,761 237,555" [Federal Funds FY16 & FY17]

59. Page B-4, following line 1.
Insert: "j. First Step - State Facility Services (Restricted)
4,000,000" [General Fund FY17]

60. Page B-4, line 5.
Strike: line 5 through 6 in their entirety
Insert: "Additional Waiver Slots may be used only to fund additional service slots for the comprehensive 0208 waiver above 2,750 service slots in FY 2016 and above 2,750 service slots in FY 2017 administered by the Developmental Services Division."

61. Page B-4, following line 12.
Insert: "Direct Care Worker Wage Increase may be used only for a rate increase for direct care worker wages and ancillary worker wages and related benefits or to provide lump-sum payments to workers. Funds may be used only for payments for workers who provide direct care and ancillary services in the nursing facility, personal assistance, community first choice, and elderly and physically disabled home and community-based services waiver programs."

62. Page B-4, line 17.
Strike: "Psychiatric Emergency Detention"
Insert: "Community Secure Psychiatric Treatment"

63. Page B-4, following line 24.
Insert: "First Step - State Facility Services is contingent on passage and approval of a bill to appropriate $7,352,954 for renovations and equipment at the Montana state hospital and the Montana mental health nursing care center. First Step - State Facility Services may be used only for expanded services at the state mental health facilities."

64. Page B-4, line 25.
Following: line 24
Insert: "The department of public health and human services is appropriated $2,179,275 of

general fund and $4,104,677 of federal special revenue for FY 2016 if general fund medicaid benefit expenditures, including accruals, exceed $295,652,291 by no more than $2,179,275. The appropriation may be used only to pay medicaid benefit expenditures made in FY 2016.

The department of public health and human services is appropriated $4,358,549 of general fund and $8,209,355 of federal special revenue for FY 2016 if general fund medicaid benefit expenditures, including accruals, exceed $295,652,291 by more than $2,179,275 but no more than $4,358,549. The appropriation may be used only to pay medicaid benefit expenditures made in FY 2016.

The department of public health and human services is appropriated $6,537,824 of general fund and $12,314,032 of federal special revenue for FY 2016 if general fund medicaid benefit expenditures, including accruals, exceed $295,652,291 by more than $4,358,549 but no more than $6,537,824. The appropriation may be used only to pay medicaid benefit expenditures made in FY 2016.

The department of public health and human services is appropriated $8,717,098 of general fund and $16,418,709 of federal special revenue for FY 2016 if general fund medicaid benefit expenditures, including accruals, exceed $295,652,291 by more than $6,537,824. The appropriation may be used only to pay medicaid benefit expenditures made in FY 2016.

The department of public health and human services is appropriated $2,932,580 of general fund and $5,443,828 of federal special revenue for FY 2017 if general fund medicaid benefit expenditures, including accruals, exceed $312,172,729 by no more than $2,932,580. The appropriation may be used only to pay medicaid benefit expenditures made in FY 2017.

The department of public health and human services is appropriated $5,865,159 of general fund and $10,887,656 of federal special revenue for FY 2017 if general fund medicaid benefit expenditures, including accruals, exceed $312,172,729 by more than $5,865,159 but no more than $8,209,355. The appropriation may be used only to pay medicaid benefit expenditures made in FY 2017.

The department of public health and human services is appropriated $8,797,739 of general fund and $16,331,484 of federal special revenue for FY 2017 if general fund medicaid benefit expenditures, including accruals, exceed $312,172,729 by more than $5,865,159 but no more than $8,797,739. The appropriation may be used only to pay medicaid benefit expenditures made in FY 2017.

The department of public health and human services is appropriated $11,730,318 of general fund and $21,775,312 of federal special revenue for FY 2017 if general fund medicaid benefit expenditures, including accruals, exceed $312,172,729 by more than $8,797,739. The appropriation may be used only to pay medicaid benefit expenditures made in FY 2017.

The appropriations provided for in the preceding paragraphs are based on the amount of general fund medicaid benefit expenditures for fiscal years 2016 and 2017. The amounts of $295,652,291

for FY 2016 and $312,172,729 for FY 2017 are superseded by the total of general fund appropriations for each separate fiscal year as reflected in House Bill No. 2 as passed and approved.

The department of public health and human services is appropriated $405,057 of general fund and $5,406,374 of federal special revenue for FY 2016 if medical services funded from the federal children's health insurance program grant, including accruals and state matching funds, exceed $97,141,601. The appropriation may be used only to pay for medical services funded from the federal children's health insurance program for expenditures made in FY 2016.

The department of public health and human services is appropriated $611,659 of general fund and $10,774,192 of federal special revenue for FY 2017 if medical services funded from the federal children's health insurance program grant, including accruals and state matching funds, exceed $107,986,476. The appropriation may be used only to pay for medical services funded from the federal children's health insurance program for expenditures made in FY 2017"

65. Page C-1.
Following: line 9
Insert: "a. Operating Adjustment (OTO) $95,472 $95,472 " [State Special Fund FY16 & FY17]

66. Page C-1.
Strike: line 27 in its entirety
Strike: line 28 in its entirety
Insert: "13,105,983 13,174,779" [State Special Fund FY16 & FY17]
Insert: "260,299 229,345" [Federal Special Fund FY16 & FY17]

67. Page C-2.
Strike: line 6 in its entirety
Insert: "280,926 281,707" [General Fund FY16 & FY17]
Insert: "1,203,941 1,213,709" [State Special Fund FY16 & FY17]
Insert: "366,645 368,763" [Federal Special Fund FY16 & FY17]

68. Page C-3, line 9.
Strike: line 9 in its entirety
Insert: "29,581,539 29,837,739" [State Special Fund FY16 & FY17]
Insert: "902,764 920,802" [Federal Special Fund FY16 & FY17]

69. Page C-4, line 4.
Following: line 3
Insert: "If the department of transportation receives funding of more than $11,187,000 in each year of the 2017 biennium from the federal transit authority for the purposes of transit grants to local governments, then the federal fund appropriations for the rail, transit, and planning program of $25,359,203 in FY 2016 and $25,364,282 in FY 2017 may be increased by a like amount of up to $1.4 million in each year. If the federal funds appropriation in FY 2016 and FY 2017 is increased, the department shall report the amount of the increase to the

legislative finance committee."

70. Page C-4, line 6.
Strike: "78,570 78,570" [General Fund FY16 & FY17]
Insert: "95,223 95,027" [General Fund FY16 & FY17]

71. Page C-4, line 9.
Strike: "1,550,663 1,550,663" [State Special Fund FY16 & FY17]
Insert: "1,804,262 1,763,861" [State Special Fund FY16 & FY17]

72. Page C-4.
Following: line 9
Insert: "b. Legislative Audit (Restricted/Biennial) 39,051" [State Special Fund FY16]

73. Page C-4.
Strike: line 14 in its entirety
Insert: "869,809 874,940" [General Fund FY16 & FY17]
Insert: "1,192,093 1,199,628" [State Special Fund FY16 & FY17]
Insert: "59,579 59,433" [Federal Special Fund FY16 & FY17]

74. Page C-4, line 19.
Strike: "0 0" [General Fund FY16 & FY17]
Insert: "763,459 837,418" [General Fund FY16 & FY17]

75. Page C-4, line 19.
Strike: "647,788 647,788" [State Special Fund FY16 & FY17]
Strike: "745,273 745,273" [Federal Special Fund FY16 & FY17]

Insert: "697,376 697,460" [State Special Fund FY16 & FY17]
Insert: "949,130 948,144" [Federal Special Fund FY16 & FY17]

76. Page C-4, line 24.
Strike: "403,862 403,862" [State Special Fund FY16 & FY17]
Insert: "592,427 543,297" [State Special Fund FY16 & FY17]

77. Page C-4, line 29.
Strike: "3,298,880 3,298,880" [State Special Fund FY16 & FY17]
Insert: "3,597,737 3,604,623" [State Special Fund FY16 & FY17]

78. Page C-4, line 34.
Strike: "618,126 618,126" [General Fund FY16 & FY17]
Strike: "612,133 612,133" [Federal Special Fund FY16 & FY17]
Insert: "825,735 826,805" [General Fund FY16 & FY17]
Insert: "735,756 736,832" [Federal Special Fund FY16 & FY17]

79. Page C-5, line 1.
Following: "authority"
Strike: "if"
Insert: "is appropriated if livestock per capita"

80. Page C-5.
Following: line 1
Insert: "The department of livestock shall report on the structural balance on all fee-based funds to the economic affairs interim committee at the first meeting following July 1 of 2015 and 2016."

81. Page C-5.
Strike: line 4 in its entirety
Insert: "3,970,553 4,057,285" [General Fund FY16 & FY17]
Insert: "1,945,708 1,917,411" [State Special Fund FY 16 &FY17]
Insert: "285,467 2885,385" [Federal Special Fund FY16 & FY17]

82. Page C-5, line 11.
Strike: "111,012 111,258" [Proprietary FY16 & FY17]
Insert: "110,965 111,211" [Proprietary FY16 & FY17]

83. Page C-5, line 16.
Strike: "1,078,691 1,073,369" [General Fund FY16 & FY17]
Insert: "1,706,940 1,701,618" [General Fund FY16 & FY17]

84. Page C-5, line 17.
Strike: "7,654,710 7,633,242" [State Special Fund FY16 & FY17]
Insert: "7,025,508 6,930,219" [State Special Fund FY16 & FY17]

85. Page C-5.
Following: line 31
Insert: "h. Jefferson Slough Bypass Channel [Restricted/Biennial/OTO) $1,000,000 0"[State Special Fund FY16 & FY17]

86. Page C-5, line 34.
Strike: "9,271,085 9,246,707" [General Fund FY16 & FY17]
Insert: "9,295,731 9,271,773" [General Fund FY16 & FY17]
Strike: "6,324,095 6,204,724" [State Special Fund FY16 & FY17]
Insert: "6,320,770 6,204,399" [State Special Fund FY16 & FY17]

87. Page C-6, line 5.
Strike: "12,069,894 12,142,933" [General Fund FY16 & FY17]
Insert: "11,639,789 11,709,804" [General Fund FY16 & FY17]
Strike: "16,938,122 16,899,515" [State Special Fund FY16 & FY17]
Insert: "16,937,261 16,898,654" [State Special Fund FY16 & FY17]

Following: line 27
Insert: "The Forestry and Trust Land Management Division includes a general fund revenue reduction of $400,000 general fund each year of the biennium. The reduction is approximately equal to the amount of reversion made by the department in FY 2014. The agency shall allocate this reduction in funding among programs when developing 2017 biennium operating plans."

88. Page C-6.
Strike: line 6 in its entirety
Insert: "a. Cabin Site Sales Program (Restricted/OTO)"

89. Page C-6.
Strike: line 7 in its entirety
Insert: "265,514 266,357" [State Special Fund FY16 & FY17]

90. Page C-6, line 11.
Strike: "50,000 50,000" [General Fund FY16 & FY17]
Insert: "80,000 80,000" [General Fund FY16 & FY17]

91. Page C-6.
Following: line 11
Insert: "d. Forestry in Focus (OTO)"
Insert: "82,251 68,950" [General Fund FY16 & FY17]

92. Page C-6.
Following: line 27
Insert: "The department is appropriated up to $600,000 for the 2017 biennium from the loan loss reserve account of the private loan program established in 85-1-603 for the purchase of prior liens on property held as loan security as provided in 85-1-615."

93. Page C-6.
Strike: line 30 in its entirety
Insert: "110,002 110,331" [General Fund FY16 & FY17]
Insert: "1,107,801 1,110,429" [State Special Fund FY16 & FY17]
Insert: "107,016 107,490" [Federal Special Fund FY16 & FY17]
Insert: "128,387 128,822" [Proprietary FY16 & FY17]

94. Page C-7, line 7.
Strike: "6,182,440" [State Special Fund FY17]
Insert: "6,186,390" [State Special Fund FY17]

95. Page D-1, line 4.
Strike: "11,380,944 11,370,663" [General Fund FY16 & FY17]
Strike: "241,654 241,654" [State Special Fund FY16 & FY17]
Insert: "11,437,620 11,442,783" [General Fund FY16 & FY17]

Insert: "241,929 242,003" [State Special Fund FY16 & FY17]

96. Page D-1.
Following: line 17
Insert: "g. JDIP Administration - HB 233"
Insert: "5,068,979 5,068,622" [General Fund FY16 & FY17]
Insert: "171,718 171,718" [State Special Fund FY16 & FY17]
Insert: "240 240" [Federal Special Fund FY16 & FY17]

97. Page D-1, line 22.
Following: line 22
Insert: "a. Court Appointed Special Advocates (Restricted)
150,000 150,000" [General Fund FY16 & FY17]

98. Page D-1.
Following: line 31
Insert: "JDIP Administration - HB 233 is contingent on passage and approval of HB 233."

99. Page D-1, line 35.
Strike: "2,489,473 2,488,713" [General Fund FY16 & FY17]
Insert: "2,490,460 2,489,707" [General Fund FY16 & FY17]

100. Page D-2, line 7.
Strike: "6,653,664 6,767,457" [General Fund FY16 & FY17]
Strike: "1,223,939 1,240,627" [State Special Fund FY16 & FY17]
Strike: "574,054 574,060" [Federal Special Fund FY16 & FY17]
Insert: "6,887,359 6,995,799" [General Fund FY16 & FY17]
Insert: "1,267,216 1,282,913" [State Special Fund FY16 & FY17]
Insert: "730,111 729,853" [Federal Special Fund FY16 & FY17]

101. Page D-2, line 16.
Strike: "15,211,939 15,338,188" [General Fund FY16 & FY17]
Strike: "4,923,498 4,943,777" [State Special Fund FY16 & FY17]
Insert: "8,393,231 8,417,906" [General Fund FY16 & FY17]
Insert: "11,971,9010 12,097,015" [State Special Fund FY16 & FY17]

102. Page D-2, line 21.
Strike: "36,831,009 37,008,779" [State Special Fund FY16 & FY17]
Insert: "36,393,393 36,567,543" [State Special Fund FY16 & FY17]

103. Page D-2, line 24.
Strike: "7,164,402 7,241,506" [General Fund FY16 & FY17]
Strike: "3,937,433 4,065,609" [State Special Fund FY16 & FY17]
Strike: "582,744 580,964" [Federal Special Fund FY16 & FY17]

Insert: "7,362,361 7,434,929" [General Fund FY16 & FY17]
Insert: "3,951,112 4,078,975" [State Special Fund FY16 & FY17]
Insert: "599,090 596,936" [Federal Special Fund FY16 & FY17]

104. Page D-2, following line 24.
Insert: "a. Montana Developmental Center Investigator (Restricted/OTO)
100,101 99,911" [General Fund FY16 & FY17]

105. Page D-2, line 27.
Strike: "320,882 322,641" [General Fund FY16 & FY17]
Insert: "346,947 348,253" [General Fund FY16 & FY17]

106. Page D-2, line 30.
Strike: "50,000" [General Fund FY16]
Insert: "100,000" [General Fund FY16]

107. Page D-2, line 32.
Strike: "523,804 538,541" [General Fund FY16 & FY17]
Strike: "999,501 1,011,126" [State Special Fund FY16 & FY17]
Strike: "0 0" [Federal Special Fund FY16 & FY17]
Strike: "27,651 27,932" [Proprietary FY16 & FY17]
Insert: "747,225 905,781" [General Fund FY16 & FY17]
Insert: "1,229,443 1,372,072" [State Special Fund FY16 & FY17]
Insert: "2,623 4,436" [Federal Special Fund FY16 & FY17]
Insert: "29,696 30,605" [Proprietary FY16 & FY17]

108. Page D-2, line 37.
Strike: "4,402,181 4,607,227" [General Fund FY16 & FY17]
Strike: "141,456 141,456" [State Special Fund FY16 & FY17]
Insert: "4,416,568 4,622,500" [General Fund FY16 & FY17]
Insert: "141,461 141,461" [State Special Fund FY16 & FY17]

109. Page D-3, line 3.
Strike: "3,950,114 3,969,045" [General Fund FY16 & FY17]
Insert: "4,109,821 4,126,292" [General Fund FY16 & FY17]

110. Page D-3, line 15.
Strike: "3,848,839 3,849,038" [State Special Fund FY16 & FY17]
Insert: "3,851,021 3,851,220" [State Special Fund FY16 & FY17]

111. Page D-3, following line 10.
Insert: "c. Information Technology (Restricted)
47,662 47,662" [State Special Fund FY16 & FY17]

112. Page D-3, line 25.

Strike: "22,810,722 22,825,054" [General Fund FY16 & FY17]
Insert: "25,825,007 25,845,605" [General Fund FY16 & FY17]

113. Page D-3, line 34.
Strike: "1,515,161 1,510,717" [General Fund FY16 & FY17]
Insert: "1,615,161 1,610,717" [General Fund FY16 & FY17]

114. Page D-4, line 8.
Strike: "12,514,680 12,603,784" [General Fund FY16 & FY17]
Insert: "12,699,523 12,829,126" [General Fund FY16 & FY17]

115. Page D-4, following line 11.
Insert: "b. American Correctional Association Certification (OTO)
10,100" [General Fund FY16]

116. Page D-4, line 13.
Strike: "65,235,758 65,630,781" [General Fund FY16 & FY17]
Insert: "66,513,915 67,331,564" [General Fund FY16 & FY17]

117. Page D-4, line 19.
Strike: "74,892,328 74,916,837" [General Fund FY16 & FY17]
Insert: "76,413,870 76,495,322" [General Fund FY16 & FY17]

118. Page D-4, line 21.
Strike: "2,648,061 2,878,120" [General Fund FY16 & FY17]
Insert: "3,648,061 3,878,120" [General Fund FY16 & FY17]

119. Page D-4, line 28.
Strike: "533,400" [General Fund FY16]
Insert: "1,075,834" [General Fund FY16]

120. Page D-4, following line 28.
Insert: "e. Lewistown Infirmary Security (OTO)
273,761 273,100" [General Fund FY16 & FY17]

121. Page D-4, line 30.
Strike: "889,899 888,487" [General Fund FY16 & FY17]
Insert: "887,428 886,016" [General Fund FY16 & FY17]

122. Page D-4, line 33.
Strike: "17,881,161 17,884,312" [General Fund FY16 & FY17]
Strike: "964,750 964,750" [State Special Fund FY16 & FY17]
Strike: "240 240" [Federal Special Fund FY16 & FY17]
Insert: "13,328,951 13,332,763" [General Fund FY16 & FY17]
Insert: "405,092 405,092" [State Special Fund FY16 & FY17]

Insert: "0 0" [Federal Special Fund FY16 & FY17]

123. Page D-4, line 36.
Strike: "166,600" [General Fund FY16]
Insert: "336,021" [General Fund FY16]

124. Page D-5, line 1.
Strike: "20,008,511 20,012,888" [General Fund FY16 & FY17]
Insert: "20,344,389 20,348,766" [General Fund FY16 & FY17]

125. Page D-5, following line 4.
Insert: "b. Women's Prison Infirmary FTE (OTO)
274,977 274,255" [General Fund FY16 & FY17]

"c. Infirmary Medical Equipment (OTO)
15,000 25,000" [General Fund FY16 & FY17]

"d. Outside Medical (Restricted/Biennial)
500,000 500,000" [General Fund FY16 & FY17]

126. Page D-5.
Following: line 8
Insert: "If HB 233 is not passed and approved, Youth Services is increased in general fund money by $5,068,979 in FY 2016 and by $5,068,622 in FY 2017, in state special revenue by $171,718 in FY 2016 and by $171,718 in FY 2017, and in federal special revenue by $240 in FY 2016 and by $240 in FY 2017.

If SB 405 is passed and approved, Outside Medical is reduced by $250,000 general fund money in FY 2016 and by $250,000 general fund money in FY 2017."

127. Page E-1, line 4.
Strike: line 4 in its entirety
Insert: "10,898,175 10,893,741" [General Fund FY16 & FY17]
Insert: "251,479 251,284" [State Special Fund FY16 & FY17]
Insert: "18,369,111 18,571,066" [Federal Special Fund FY16 & FY17]

128. Page E-2, line 20.
Strike: "139,688 138,355" [General Fund FY16 & FY17]
Insert: "139,855 138,521" [General Fund FY16 & FY17]

129. Page E-3, line 26.
Strike: "167,469,206 167,473,229" [General Fund FY16 & FY17]
Insert: "167,318,199 167,322,025" [General Fund FY16 & FY17]

130. Page E-3, line 36.

Strike: line 36 in its entirety
Insert: "734,202 733,194" [General Fund FY16 & FY17]

131. Page E-4.
Following: line 6
Insert: "k. AES Wool Lab MSU-Bozeman (Biennial/Restricted/OTO) 60,000 60,000" [General Fund FY16 & FY17]

132. Page E-4, line 10.
Strike: line 10 in its entirety
Insert: "14,122,522 14,108,995" [General Fund FY16 & FY17]

133. Page E-4, line 12.
Strike: line 12 in its entirety
Insert: "5,727,225 5,726,600" [General Fund FY16 & FY17]

134. Page E-4.
Following: line 12
Insert: "l. Extension Service - Local Government Center (OTO) 90,000 90,000" [General Fund FY16 & FY17]

135. Page E-5, line 32.
Strike: "480,828 480,706" [General Fund FY16 & FY17]
Insert: "482,146 481,995" [General Fund FY16 & FY17]

136. Page E-6, line 20.
Strike: "500,464 502,668" [General Fund FY16 & FY17]
Insert: "501,126 503,329" [General Fund FY16 & FY17]

137. Page E-6, line 33.
Strike: line 33 in its entirety
Insert: "3,011,601 6,017,491" [General Fund FY16 & FY17]
Insert: "1,745,838 1,742,828" [State Special Fund FY16 & FY17]
Insert: "572,137 572,178" [Federal Special Fund FY16 & FY17]

138. Page E-7, line 6.
Strike: line 6 in its entirety
Insert: "1,064,672 1,060,374" [General Fund FY16 & FY17]
Insert: "128,039 127,921" [State Special Fund FY16 & FY17]
Insert: "72,844 73,073" [Federal Special Fund FY16 & FY17]
Insert: "248,898 248,579" [Proprietary FY16 & FY17]

139. Page R-4.
Following: line 28
Insert: "The 30-day working capital reserve used to establish state information technology services division rates for state agencies included in HB 2 is based on personal services of $15,732,717 in FY 2016 and $15,747,437 in FY 2017, operating costs of $24,278,456 in FY 2016 and $25,805,921 in FY 2017, and equipment and intangible assets of $746,242 in each year of the biennium. State agencies shall report to the state information technology services division which services they wish to purchase as a result of the changes to fixed costs for information technology services. The state information technology services division shall report to the legislative finance committee at its June 2015 meeting on how they implemented these state agency requests."

140. Page R-5, line 17.
Strike: "$11,720,000 $11,720,000"
Insert: "$10,824,476 $10,824,476"

141. Page R-5, line 30.
Strike: "$95 $95"
Insert: "$103 $103"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 4/1/2015
SR 48, be adopted. Report adopted.
SR 49, be adopted. Report adopted.
HB 517, be amended as follows:

1. Title, page 1, line 7.
Strike: "53-21-102,"
Following: "72-5-321"
Strike: ","
Strike: "AN"
Insert: "A DELAYED"

2. Page 1, line 11 through page 3, line 20.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 5, line 22.
Following: "(6)"
Insert: "(a)"

4. Page 5, line 25.
Strike: "admit"
Insert: "seek admission of"

5. Page 5, line 26.
Following: line 26
Insert: "(b) If the ward is admitted to the Montana mental health nursing care center, the court shall review every 90 days whether the Montana mental health nursing care center is the appropriate placement for the ward or whether a less restrictive alternative placement exists."

6. Page 6, line 16.
Strike: "July 1, 2015"
Insert: "January 1, 2016"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 1, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Wednesday, April 1, 2015, I signed the following bills:

Senate Bill 41 - T. Facey
Senate Bill 151 - D. Kary
Senate Bill 174 - M. Moe

These bills were delivered to the Secretary of State's Office today.

I have vetoed **Senate Bill 241** - R. Webb.

Sincerely,

STEVE BULLOCK
Governor

April 1, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, **I hereby veto Senate Bill 241** (SB 241), "AN ACT PROHIBITING POLITICAL SUBDIVISIONS FROM REQUIRING EMPLOYERS TO PROVIDE WAGES AND BENEFITS THAT ARE INCONSISTENT WITH STATE AND FEDERAL LAW; AMENDING SECTION 7-1-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Montana is a state of great economic diversity: from the oil boom in the East, to the Main Streets of our cities, to the active tourism and natural resource industries in the West. Our local governments regularly respond to the demands of their communities and work to foster an economic environment that meets the needs of their region.

I trust local governments to balance the interests of workers and Main Street businesses and to make decisions that will ensure that their economies grow and thrive. By prohibiting political subdivisions from enacting minimum wage ordinances, SB 241 would constrain the flexibility of local governments to respond to the unique economic needs of their communities.

While I understand the concerns expressed by the proponents of SB 241, I do not believe that allowing local governments to make these types of decisions will negatively impact Montana's business climate. In fact, the national experience on this issue has demonstrated that businesses are able to adapt to varying minimum wage laws.

Businesses already accommodate differences between the federal minimum wage and those enacted by States. Additionally, according to a National Employment Law Project report published in 2014, at least 20 U.S. cities have adopted local minimum wage ordinances (*City Minimum Wage Laws: Recent Trends and Economic Evidence on Local Minimum Wage*, National Employment Law Project, 2014). That same report found that "the economic evidence regarding the higher city minimum wages that have been enacted in U.S. cities to date indicates that they have boosted earnings without evidence of slowed job growth or business relocations."

To date, no city in Montana has attempted to adopt a local minimum wage. However, I cannot support a bill that would remove that option for local governments who are in the best position to look at local conditions and needs in evaluating whether their community should enact ordinances

that strengthen their local economy. I have been an advocate for a living wage throughout my career and I do not believe protecting that option for locally elected governments will cause harm to Montana's business climate.

For these reasons, I veto SB 241.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/1/2015

SB 168, introduced by E. Buttrey
SB 191, introduced by R. Driscoll
SB 209, introduced by M. Rosendale
SB 224, introduced by C. Wolken
SB 238, introduced by M. Blasdel
SB 249, introduced by J. Cohenour
SB 255, introduced by T. Brown
SB 295, introduced by M. Blasdel
SB 333, introduced by J. Hinkle
SB 385, introduced by R. Webb

Senate bill not concurred in by the Committee of the Whole and returned to the Senate:

3/31/2015

SB 143, introduced by C. Smith

MOTIONS

Majority Leader Rosendale moved **HB 115**, **HB 123**, **HB 381**, and **HB 562** be taken from the second-reading board, and **HB 553** from today's second-reading agenda, and re-referred to the Finance and Claims Committee. Following an objection by Senator Hamlett, Majority Leader Rosendale amended his motion to exclude **HB 553**. Without objection, so ordered.

HB 553 - Senator Hamlett moved consideration of **HB 553** by the Committee of the Whole be passed for the day. Without objection, so ordered.

Senator Thomas moved to reconsider the indefinite postponement of **HB 262** and that **HB 262** be placed on second reading on Monday, April 13, 2015, the seventy-fourth legislative day. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Brenden, Cohenour, Driscoll, Facey, Fielder, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Sesso, Thomas, Ms. President.
Total 21

Nays: Blasdel, D. Brown, T. Brown, Caferro, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moe, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moe in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 29 - Majority Leader Rosendale moved consideration of **HB 29** be passed for the day. Without objection, so ordered.

HB 557 - Senator Howard moved **HB 557** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

HB 470 - Senator Vance moved **HB 470** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

HB 280 - Senator Kaufmann moved **HB 280** be concurred in. Motion carried as follows:

Yeas: Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Nays: Ankney, Blasdel, Brenden, D. Brown, Fielder, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

HB 491 - Senator Taylor moved **HB 491** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Taylor, Thomas, Tutvedt, Vuckovich, Wolken.
Total 34

Nays: Caferro, Fielder, Hinkle, Moore, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Vance, Vincent, Webb, Whitford, Windy Boy, Ms. President.

Total 15

Paired: Buttrey, Connell, Aye; Caferro, Vincent, No.

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

HJ 16 - Senator Dick Barrett moved **HJ 16** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vincent, Webb, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

HB 378 - Senator Kary moved **HB 378** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Cohenour, Driscoll, Facey, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Swandal, Thomas, Windy Boy, Wolken.
Total 20

Nays: Blasdel, Brenden, D. Brown, T. Brown, Caferro, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Ms. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

HB 378 - Majority Leader Rosendale moved **HB 378** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Keenan, Larsen, Moe, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Ms. President.
Total 30

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hoven, Kary, Kaufmann, Keane, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Swandal, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

HB 211 - Senator Larsen moved **HB 211** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

HB 460 - Senator Hamlett moved **HB 460** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: T. Brown, Facey, Howard, Kaufmann, Moore, Sales, Vincent.
Total 7

Paired: Buttrey, Aye; Facey, No.

Absent or not voting: None.
Total 0

Excused: Arntzen, Connell.
Total 2

HB 578 - Senator Brenden moved **HB 578** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: T. Brown, Kaufmann, Moore, Sales, Taylor, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

HB 119 - Senator Thomas moved **HB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 31

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Windy Boy, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.

Total 3

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Moe moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 45

Nays: Kary, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 48, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

SB 101, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 40

Nays: D. Brown, Fielder, Hinkle, Kary, Smith, Webb, Ms. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

SB 150, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 38

Nays: D. Brown, Fielder, Hinkle, Rosendale, Sales, Smith, Vance, Webb, Ms. President.
Total 9

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

SB 126, **as amended in Conference Committee**, passed as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, T. Brown, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Kaufmann, Malek, Moe, Pomnichowski, Sands, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 14

Absent or not voting: None.
Total 0

Excused: Arntzen, Buttrey, Connell.
Total 3

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the coming week:

Maggie Althaus from Phillipsburg, sponsored by Senator Vuckovich
Nicolena Boucher from Billings, sponsored by Senator Webb
Lauren Krivec from Billings, sponsored by Senator Smith
Rosalyn Kutsch from Bozeman, sponsored by Senator Phillips
Brady Parrish from Helena, sponsored by Senator Cohenour
Hannah Vaughan from St. Ignatius, sponsored by Senator Taylor

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Wednesday, April 8, 2015, the seventieth legislative day. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 8, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 4/8/2015
Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-sixth through sixtieth legislative days, find the same to be correct.

Correctly printed: **SR 48**, **SR 49**, **HB 119**, **HB 211**, **HB 280**, **HB 460**, **HB 491**, **HB 557**, **HB 578**, **HJ 16**.
Correctly engrossed: **SR 29**, **HB 78**, **HB 389**, **HB 560**, **HB 575**.
Correctly enrolled: **SB 48**, **SB 101**, **SB 150**.
Examined by the sponsor and found to be correct: **SB 150**.

President Barrett introduced the current Miss Montana USA, Tawnee Peppenger, to the Senate.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 4/7/2015
SR 51, be adopted. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/27/2015
SR 29, introduced resolution, be amended as follows:

1. Title, page 1, line 5.
Strike: "RELATED TO BUSINESS AND LABOR"
Insert: "TO THE BOARD OF PUBLIC ACCOUNTANTS AND THE STATE BANKING BOARD"

2. Page 1, lines 16 through 18.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

3. Page 1, line 24 through page 4, line 2.
Strike: subsection (4) through subsection (17) in their entirety

And, as amended, be adopted. Report adopted.

SR 35, be adopted. Report adopted.

SR 37, be adopted. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/8/2015
HB 78, be amended as follows:

1. Page 3, line 6.
Following: "~~deny a claim, or~~"
Insert: "deny a claim, or"

2. Page 3, line 7.
Strike: ", OR DENY A CLAIM"

And, as amended, be concurred in. Report adopted.

HB 546, be concurred in. Report adopted.
HB 560, be amended as follows:

1. Title, page 1, line 6.
Following: "MCA;"
Strike: "AND"

2. Title, page 1, line 7.
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE"

3. Page 1, line 20.
Following: line 19
Insert: "(5) The enterprise fund may not include money taken from the general fund."

4. Page 5, line 6.
Following: line 5
Insert: "NEW SECTION. **Section 6. Deposit of money collected.** Fees and other money collected by the department under this chapter must be deposited in the state special revenue fund for the use of the board."
Renumber: subsequent sections

5. Page 5, line 11.
Strike: "[Section 1] is"
Insert: "[Sections 1 and 6] are"

6. Page 5, line 12.
Strike: "[section 1]"
Insert: "[sections 1 and 6]"

7. Page 5, line 13.

Following: line 12
Insert: "NEW SECTION. **Section 9. Effective date.** [Section 6] is effective October 1, 2019."
Insert: "NEW SECTION. **Section 10. Termination.** [Sections 1 through 5] terminate September 30, 2019."

And, as amended, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 4/7/2015
HJ 7, be concurred in. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 4/7/2015
HB 237, be concurred in. Report adopted.
HB 606, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 4/8/2015
SJ 24, do pass. Report adopted.
HB 89, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 2, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Thursday, April 2, 2015, I signed the following bills:

Senate Bill 31 - L. Whitford
Senate Bill 39 - C. Smith
Senate Bill 79 - T. Facey
Senate Bill 109 - N. Swandal
Senate Bill 141 - L. Jones

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

April 7, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Tuesday, April 7, 2015, I returned **Senate Bill 74** - M. Moe and **Senate Bill 42** - S. Malek to the Secretary of State's Office without signature.

Sincerely,

STEVE BULLOCK
Governor

April 3, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with Section 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Commission for Human Rights
MCA 2-15-1706

! Mr. Chuck Tooley, 4048 Palisades Park Drive, Billings, MT 59106, was appointed to serve a term starting April 3, 2015 and ending January 1, 2017. Mr. Tooley fulfills the qualifications of public member for the commission.

Board of Livestock
MCA 2-15-3102

! Mr. Brett DeBruycker, 1692 6th Lane NE, Dutton, MT 59433, was reappointed to serve a term starting April 3, 2015 and ending January 1, 2021. Mr. DeBruycker fulfills the qualifications of cattle producer for the board.

Board of Research and Commercialization Technology
MCA 2-15-1819

! Ms. Prairie Big Horn, 11851 Lolo Vista #A209, Lolo, MT 59847, was appointed to serve a term starting April 3, 2015 and ending July 1, 2016. Ms Big Horn fulfills the qualifications of enrolled member of a Montana tribal government for the board.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House failed to concur in Senate amendments to the following House bill: 4/7/2015

HB 180, introduced by B. Smith

HB 118 - The House failed to concur in Senate amendments to **HB 118** and authorized the Speaker to appoint the following Conference Committee and request the Senate appoint a like committee to confer on Senate amendments to **HB 118:** 4/7/2015

Representative Berry, Vice Chair
Representative Lang
Representative Bennett

HB 226 - The House failed to concur in Senate amendments to **HB 226** and authorized the Speaker to appoint the following Conference Committee and request the Senate appoint a like committee to confer on Senate amendments to **HB 226:** 4/7/2015

Representative Steenberg, Vice Chair
Representative Doane
Representative Richmond

Governor's amendments to **House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/7/2015

HB 250, introduced by K. Wagoner

MOTIONS

Majority Leader Rosendale moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 118**. Motion carried. President Barrett appointed:

4/8/2015

Senator Buttrey, Chair
Senator D. Brown
Senator Facey

Majority Leader Rosendale moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 226**. Motion carried. President Barrett appointed:

4/8/2015

Senator Vincent, Chair
Senator Brenden
Senator Kaufmann

Senator Windy Boy moved that **HB 196** be taken from Finance and Claims and brought before the Committee of the Whole this date and placed at the bottom of the agenda. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Nays: Arntzen, Blasdel, Brenden, D. Brown, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Keenan rose on a point of personal privilege and stated he had expressed concerns about the constitutionality of **HB 196** at previous hearings but did not express those same concerns during today's hearing.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 258 - Senator McNally moved **HB 258** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Webb, Ms. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 553 - Senator Hamlett moved consideration of **HB 553** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 29 - Senator Buttrey moved **HB 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Fielder, Hinkle, Rosendale, Sales, Smith.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 538 - Senator Arntzen moved **HB 538** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 359 - Senator Dick Barrett moved **HB 359** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 379 - Senator Thomas moved **HB 379** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 587 - Senator Fielder moved **HB 587** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 138 - **House Amendments** - Senator Hoven moved House amendments to **SB 138** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 209 - **House Amendments** - Senator Rosendale moved House amendments to **SB 209** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 224 - **House Amendments** - Senator Wolken moved House amendments to **SB 224** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 238 - **House Amendments** - Senator Blasdel moved House amendments to **SB 238** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 255 - **House Amendments** - Senator T. Brown moved House amendments to **SB 255** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Pomnichowski.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 295 - **House Amendments** - Senator Blasdel moved House amendments to **SB 295** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Barrett Dick, Cohenour, Kaufmann, Larsen, Pomnichowski, Sesso, Whitford.
Total 7

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 333 - **House Amendments** - Senator Hinkle moved House amendments to **SB 333** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 196 - Senator Stewart-Peregoy moved **HB 196** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 34

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 553 - Senator Hamlett moved **HB 553** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 119 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 35

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 211 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 280 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 33

Nays: Blasdel, Brenden, D. Brown, Fielder, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 460 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: T. Brown, Howard, Moore, Sales, Taylor, Tutvedt, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 470 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 491 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 38

Nays: Brenden, Caferro, Fielder, Hinkle, Moore, Rosendale, Sales, Smith, Swandal, Vance,

Vincent, Ms. President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 557 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 578 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: T. Brown, Moore, Sales, Taylor, Tutvedt, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 16 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Howard, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Nays: Blasdel, Brenden, Buttrey, Connell, Fielder, Hansen, Hinkle, Jones, Kary, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/8/2015
HB 506, be concurred in. Report adopted.
HB 577, be concurred in. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 4/8/2015
HB 337, be concurred in. Report adopted.
HB 562, be concurred in. Report adopted.
HB 575, be amended as follows:

1. Page 3, line 9.
Following: "The"
Insert: "department of administration shall post the"
Strike: "shall be posted"

And, as amended, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 4/8/2015
HB 389, be amended as follows:

1. Title, page 1, line 7.
Following: "TAXATION;"
Insert: "ESTABLISHING A DUTY FOR AN OWNER OF TAX-EXEMPT PROPERTY TO REPORT A CHANGE IN USE;"

2. Title, page 1, line 10.

Following: "DATE"
Insert: "AND A TERMINATION DATE"

3. Page 3, line 28.
Following: line 27
Insert: "NEW SECTION. **Section 4. Duty to report change in use.** Owners of property that is exempt from property taxation shall report a change in use of all or part of the property to the department within 30 days of the change in use."
Renumber: subsequent sections

4. Page 4, line 16.
Strike: "3"
Insert: "4"

5. Page 4, line 18.
Strike: "3"
Insert: "4"

6. Page 4, line 21.
Following: line 20
Insert: "NEW SECTION. **Section 8. Termination.** [Sections 1 through 3 and 5] terminate December 31, 2021."

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Caferro moved to change her vote on **HB 587** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 8:00 a.m., Thursday, April 9, 2015, the seventy-first legislative day. Motion carried.

Senate adjourned at 3:40 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 9, 2015 — State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Sales and Vincent excused. Quorum present.

BILLS AND JOURNALS 4/9/2015

Correctly printed: **SR 35**, **SR 37**, **SR 51**, **SJ 24**, **HB 29**, **HB 89**, **HB 196**, **HB 237**, **HB 258**, **HB 337**, **HB 359**, **HB 379**, **HB 506**, **HB 538**, **HB 546**, **HB 553**, **HB 562**, **HB 577**, **HB 587**, **HB 606, HJ 7**.
Correctly engrossed: **HB 2**.
Correctly enrolled: **SB 183**, **SB 219**, **SB 221**.
Examined by the sponsor and found to be correct: **SB 48**, **SB 101**, **SB 183**.
Transmitted to the House: **HB 119**, **HB 211**, **HB 280**, **HB 460**, **HB 470**, **HB 491**, **HB 557**, **HB 578**, **HJ 16**.
Signed by the Secretary of the Senate at 10:35 a.m., April 9, 2015: **SB 48**, **SB 101**, **SB 150**.
Signed by the President at 11:15 a.m., April 9, 2015: **SB 48**, **SB 101**, **SB 150**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 4/8/2015
HB 322, be concurred in. Report adopted.
HB 356, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 4/8/2015
SR 33, preliminary report, be adopted. Report adopted.
SR 47, preliminary report, be adopted. Report adopted.
HB 483, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 8, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Wednesday, April 8, 2015, I signed and delivered **Senate Bill 8** - R. Webb to the Secretary of State's Office.

I have vetoed **Senate Bill 321** - M. Blasdel.

Sincerely,

STEVE BULLOCK
Governor

April 8, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I **hereby veto Senate Bill 321** (SB 321), "AN ACT REVISING THE DEFINITION OF A PUBLIC UTILITY; EXCLUDING THE DISTRIBUTION, DELIVERY, OR SUPPLY OF PROPANE TO CUSTOMERS FROM PUBLIC SERVICE REGULATION; AMENDING SECTION 69-3-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

When robust economic competition exists, consumers often benefit. However, when a business

has no real competitors and the pressures of a healthy marketplace do not exist, consumers often suffer the consequences of poor service or higher prices. When the service being provided by a monopoly is home heating, most Montanans would agree that the service should be appropriately regulated to protect consumers.

The Montana Public Service Commission's (PSC) role is to protect consumers by ensuring that public utilities provide adequate service at reasonable rates. A key inquiry for the PSC is whether a company providing an essential service is in fact a public utility, which is defined in Section 69-3-101, MCA. As used in statute, "public utility" is a term of art, and the application of that term to a particular set of circumstances requires the expertise of the PSC and its professional staff.

SB 321 seeks to exclude from the definition of public utility the distribution, delivery, or supply of propane to consumers, regardless of the circumstances. There are four propane distribution systems in Montana that are now regulated by the PSC because they are public utilities, and this regulation would continue. However, under SB 321, the PSC would be precluded from ever finding in the future that a propane distribution system, even an underground system providing monopoly service to consumers to heat their homes in the winter, is a public utility and should be regulated as to rates and service. Such a broad stroke is not in the best interests of Montanans.

Section 60-3-101, MCA, which defines "public utility," contains other exclusions which are telling. For example, privately-owned water or sewer systems that do not serve the public are not public utilities. Generally, water or sewer systems operated by local governments are not included either. In those cases, it is easy to see the means by which consumers can protect themselves (such as private contracts or the ballot box). There are no such checks or balances under SB 321.

It is my understanding that SB 321 addresses the circumstances of one entity that is now before the PSC in a proceeding to determine its status as a public utility. It is the PSC's expertise that should make this determination based on the facts and law before it. To legislatively address this specific case by broadly excluding from regulation all entities that deliver propane to consumers through an underground distribution network is unwarranted. Moreover, the bill allows propane supplies--entirely at their own discretion--to opt-in to regulation as a public utility to gain access to public rights-of-way. SB 321's framework of regulation only at the option of the regulated entity is unworkable and unwise. The PSC unanimously opposed this bill.

When it is an essential service like heating your home, you want to know that you are not being gouged by an unlawful business practice. The PSC protects customers of public utilities by ensuring that they provide adequate service at reasonable rates. I am sure that there are propane distribution services operating in this state that are not public utilities, but I believe that consumers are better protected when that determination is made by the PSC.

For these reasons, I veto SB 321.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/8/2015

SB 183, introduced by T. Brown
SB 219, introduced by J. Taylor
SB 221, introduced by Debby Barrett

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/8/2015

SB 195, introduced by M. Caferro
SB 220, introduced by C. Kaufmann
SB 307, introduced by S. Stewart-Peregoy
SB 356, introduced by J. Fielder
SB 364, introduced by J. Cohenour
SB 371, introduced by M. Blasdel

Senate amendments to House bills concurred in: 4/8/2015

HB 101, introduced by T. Steenberg
HB 204, introduced by G. Hertz
HB 259, introduced by D. Moore
HB 318, introduced by E. Hill
HB 330, introduced by N. Schwaderer
HB 334, introduced by R. Cook
HB 343, introduced by B. Bennett
HB 350, introduced by R. Shaw
HB 439, introduced by A. Redfield
HB 447, introduced by K. Wagoner

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 52, introduced by T. Brown, referred to Agriculture, Livestock and Irrigation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 26, introduced by B. Tutvedt, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Sales present at this time; Senator Vuckovich excused at this time.

Senator Windy Boy arose on a point of personal privilege and apologized for comments made the previous day.

HB 606 - Senator Wolken moved **HB 606** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 36

Nays: Arntzen, Fielder, Hansen, Hinkle, Kary, Moore, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb.
Total 13

Paired: Facey, Vuckovich, Aye; Hansen, Sales, No.

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 2 - Senator L. Jones moved **HB 2** be concurred in. Senator Jones made opening comments and explained the process for presentation of **HB 2**.

Senator Vincent present at this time; Senator Blasdel excused at this time.

Global Amendments

HB 2 - Senator L. Jones moved **HB 2**, second reading copy, be amended with **amendment O001** as follows:

1. Page BP-2, line 16.
Insert: "NEW SECTION. **Section 11. Appropriations.** The following money is appropriated for the respective fiscal years:"

2. Page A-5, line 29.
Strike: "160,339 160,021" [State Special Fund FY16 & FY17]
Insert: "161,091 160,878" [State Special Fund FY16 & FY17]

3. Page C-2.
Strike: line 33 in its entirety

4. Page C-5, line 21.
Strike: "7,025,508 6,930,219" [State Special Fund FY16 & FY17]
Insert: "6,785,508 6,690,219" [State Special Fund FY16 & FY17]

5. Page C-7.
Strike: line 10 through line 11 in their entirety

6. Page D-2, line 19.
Strike: "8,393,231 8,417,906" [General Fund FY16 & FY17]
Strike: "11,971,901 12,097,015" [State Special Fund FY16 & FY17]
Insert: "9,136,438 9,174,900" [General Fund FY16 & FY17]
Insert: "11,228,694 11,340,021" [State Special Fund FY16 & FY17]

7. Page D-2, line 21.
Strike: "1,858,017 1,892,485" [General Fund FY16 & FY17]
Strike: "0 0" [State Special Fund FY16 & FY17]
Insert: "1,114,810 1,135,491" [General Fund FY16 & FY17]
Insert: "743,207 756,994" [State Special Fund FY16 & FY17]

8. Page D-5, line 13.
Strike: "405,092 405,092" [State Special Fund FY16 & FY17]
Insert: "599,062 599,062" [State Special Fund FY16 & FY17]

9. Page E-1, line 34.
Strike: "/Biennial"

10. Page E-6, line 37.
Strike: "6,017,491" [General Fund FY 17]
Insert: "3,017,491" [General Fund FY 17]

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Blasdel, Sales, Vincent.
Total 3

Paired: Driscoll, Vuckovich, Aye; Blasdel, Vincent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECTION A. General Government

Senator Taylor acknowledged and thanked fellow committee members and staff then reviewed the budget of agencies in Section A: Legislative Branch, Consumer Counsel, Governor's Office, Secretary of State, Commissioner of Political Practices, State Auditor's Office, Department of Revenue, Department of Administration, Department of Commerce, Department of Labor and Industry, and Department of Military Affairs.

HB 2 - Senator Phillips moved **HB 2**, second reading copy, be amended with **amendment A006** as follows:

1. Page A-7, line 6.
Strike: "2,251,218 2,257,116" [General Fund FY16 & FY17]
Insert: "3,051,218 3,057,116" [General Fund FY16 & FY17]

2. Page A-7.
Strike: line 11 through line 12 in their entirety
Renumber: subsequent subsections

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder,

Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Paired: Driscoll, Vuckovich, Aye; Blasdel, Sales, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Phillips moved **HB 2**, second reading copy, be amended with **amendment A007** as follows:

1. Page A-3.
Strike: line 13 in its entirety
Insert: "642,929 645,330" [General Fund FY16 & FY17]

Strike: line 16 through line 17 in their entirety

Strike: line 22 in its entirety

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Paired: Driscoll, Vuckovich, Aye; Blasdel, Sales, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Cohenour moved **HB 2**, second reading copy, be amended with **amendment A009** as follows:

1. Page A-3, line 32.
Strike: "5,376,137" [State Special Fund FY16]
Insert: "4,727,517" [State Special Fund FY16]

2. Page A-3, following line 36.
Insert: "c. Fund Insure Montana Through Calendar Year 2015 (Restricted)
4,769,387" [General Fund FY 16]

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Paired: Driscoll, Vuckovich, Aye; Blasdel, Sales, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Phillips moved **Section A** be closed. Motion carried.

Senator Vuckovich present at this time.

Senator Sales assumed the chair.

SECTION B. Health and Human Services

Senator Keenan acknowledged and thanked fellow committee members and staff then reviewed the budget of the Department of Health and Human Services.

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended with **amendment B015** as follows:

1. Page B-3.
Following: line 6

Insert: ""e. Developmental Disabilities Direct Care Wage Increase (Restricted/OTO)"
Insert: "267,793 1,071,092" [General Fund FY16 and FY17]
"505,202 2,020,083" [Federal Special FY16 and FY17]

2. Page B-4.
Following: line 23
Insert: "Developmental Disabilities Direct Care Wage Increase may be used only for a rate increase for direct care worker wages and related benefits or to provide lump-sum payments to workers effective January 1, 2016, to address recruitment and retention issues in developmental disabilities services. Funds may be used only for payments for workers who provide direct care in the developmental disabilities waiver, targeted case management, and non medicaid programs."

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 24

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Tutvedt, Vance, Vincent, Ms. President.
Total 26

Paired: Driscoll, Aye; Blasdel, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended with **amendment B012** as follows:

1. Page B-2, following line 28.
Insert: "a. Dental Student Rotation Program (Restricted)
25,000" [General Fund FY 2017]

2. Page B-2, following line 31.
Insert: "Dental Student Rotation Program may be used only to pay for 4-week rotations for dental students to practice clinical dentistry in Montana community dental offices. Dental Student Rotation Program is void if federal grant funds are received to continue the program."

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 22

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Ms. President.
Total 28

Paired: Driscoll, Aye; Blasdel, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended with **amendment B014** as follows:

1. Page B-4.
Following: line 23
Insert: "If SB 411 is passed and approved the appropriation for the Disability Services Division may be used to fund additional community-based facilities and services to accommodate individuals who are at or would otherwise be placed at the Montana developmental center."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Blasdel, Cohenour, Facey, Fielder, Vance.
Total 5

Paired: Driscoll, Aye; Blasdel, No.

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 2 - Senator L. Jones moved **HB 2**, second reading copy, be amended with **amendment B008** as follows:

1. Page B-2, line 27.
Strike: "42,079,069 42,079,740" [Federal Funds FY16 & FY17]
Insert: "40,155,835 40,157,193" [Federal Funds FY16 & FY17]

2. Page B-2, following line 31.
Insert: "If HB 606 is not passed and approved, Public Health & Safety Division is increased by $1,923,234 federal funds in FY 2016 and by $1,922,547 federal funds in FY 2017."

Amendment adopted as follows:

Yeas: Ankney, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Arntzen, Blasdel, Fielder, Hansen, Hinkle, Howard, Sales, Smith, Swandal, Taylor, Thomas, Webb.
Total 12

Paired: Driscoll, Aye; Blasdel, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Caferro moved **Section B** be closed. Motion carried.

Senator Hamlett excused at this time.

Majority Leader Rosendale moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Hamlett.
Total 2

MOTIONS

Senator Hamlett present at this time.

Majority Leader Rosendale moved the Senate suspend its rules to allow **HB 606** to proceed to third reading this date. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 606 concurred in as follows:

Yeas: Ankney, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Arntzen, Fielder, Hinkle, Sales, Smith, Thomas, Vance, Webb.
Total 8

Absent or not voting: None.
Total 0

Excused: Blasdel.
Total 1

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senator L. Jones moved **HB 2**, as amended, be concurred in.

Senator L. Jones moved to re-open **Section B**. Without objection, so ordered.

Senator L. Jones moved the Senate reconsider its action on **amendment B008** and stated that with the passage of HB 606 by the Senate, **amendment B008** should be replaced with **amendment B009**. Motion carried.

HB 2 - Senator L. Jones moved **HB 2**, second reading copy, be amended with **amendment B009** as follows:

1. Page B-2, line 27.
Strike: "42,079,069 42,079,740" [Federal Funds FY16 & FY17]
Insert: "40,155,835 40,157,193" [Federal Funds FY16 & FY17]

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski,

Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Blasdel.
Total 1

Paired: Driscoll, Aye; Blasdel, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jones moved to close **Section B**. Motion carried.

Senator Blasdel present at this time.

SECTION C. Natural Resources and Transportation

Senator Brenden acknowledged and thanked fellow committee members and staff then reviewed the budget of agencies in Section C: Fish, Wildlife and Parks, Department of Environmental Quality, Department of Transportation, Department of Livestock, Department of Natural Resources and Conservation, and Department of Agriculture.

HB 2 - Senator Ripley moved **HB 2**, second reading copy, be amended with **amendment C004** as follows:

1. Page C-1.
Strike: line 13 through line 14 in their entirety
Renumber: subsequent subsections

Following: line 16
Insert: "b. Hunting Access Program Administration (Restricted/OTO)"
Insert: "784,637 784,637" [State Special Fund FY16 & FY17]
Insert: "234,535 243,535" [Federal Special Fund FY16 & FY17]

Insert: "c. Hunting Access Program Landowner Contracts (Restricted)"
Insert: "4,446,274 4,446,274" [State Special Fund FY16 & FY17]
Insert: "1,329,030 1,329,090" [Federal Special Fund FY16 & FY17]

2. Page C-1.
Strike: line 35 through line 36 in their entirety

Insert: "The department will report on Hunting Access Program Landowner Contracts to the environmental quality council in terms of acres and cost required 90 days after big game hunting season ends."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Keane moved **Section C** be closed. Motion carried.

Senator Sales assumed the chair.

SECTION D. Judicial Branch, Law Enforcement and Justice

Senator Hansen acknowledged and thanked fellow committee members and staff then reviewed the budget of agencies in Section C: Judicial Branch, Department of Justice, Public Service Commission, Office of Public Defender, and Department of Corrections.

There were no amendments in this section.

Senator Wolken moved to close **Section D**. Motion carried.

Senator D. Brown assumed the chair.

SECTION E. Education

Senator Jones acknowledged and thanked fellow committee members and staff then reviewed the budget of agencies in Section E: Office of Public Instruction, Board of Education, Montana School for the Deaf and Blind, Montana Arts Council, Montana State Library, Montana Historical

Society, the University System, and the Commissioner of Higher Education.

HB 2 - Senator F. Moore moved the Senate **reconsider its action** on Item #10 of Global Amendment O001. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator F. Moore moved **Item #10 of global amendment O001** be replaced with **amendment E012** as follows:

1. Page E-6, line 29.
Strike: "6,017,491 " [General Fund FY 17]
Insert: "3,017,491" [General Fund FY 17]

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended with **amendment E001** as follows:

1. Page E-1, line 23.
Strike: "636,209,794 647,326,388" [General Fund FY16 and FY17]
Insert: "636,387,753 647,665,685" [General Fund FY16 and FY17]

2. Page E-1, line 33.
Strike: "42,891,966 42,891,966" [General Fund FY16 and FY17]
Insert: "43,891,349 44,677,004" [General Fund FY16 and FY17]

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 22

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Ms. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Kaufmann moved **HB 2**, second reading copy, be amended with **amendment E010** as follows:

1. Page E-6, line 29.
Strike: "3,011,601 6,017,491" [General Fund FY 16 & FY 17]
Insert: "3,090,682 6,096,369" [General Fund FY 16 & FY 17]

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales,

Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Whitford moved **HB 2**, second reading copy, be amended with **amendment E009** as follows:

1. Page E-1.
Following: line 9
Insert: "c. Schools of Promise (Restricted/Biennial)"
Insert: "250,000 250,000" [General Fund FY16 & FY17]

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Absent or not voting: None.
Total 0.

Excused: None.
Total 0

HB 2 - Senator Hamlett moved **HB 2**, second reading copy, be amended with **amendment E004** as follows:

1. Page E-1.
Following: line 37
Insert: "n. Early Childhood Education (Restricted/Biennial)"
Insert: "18,500,000 18,500,000" [General Fund FY16 & FY17]

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

The Senate recessed for a lunch period and resumed at 12:35 p.m. Roll call. Forty-eight members present, Senators Phillips and Webb excused. Senator D. Brown in the chair.

HB 2 - Senator Hamlett moved **HB 2**, second reading copy, be amended with **amendment D001** as follows:

1. Page D-5, following line 35.
Insert: "If SB 405 is passed and approved, Clinical Services Division is reduced by $2,500,000 general fund money in FY 2016 and $2,500,000 general fund money in FY 2017."

2. Page E-2, following line 17.
Insert: "If SB 405 is passed and approved, $2,500,000 general fund in FY 2016 and $2,500,000 general fund in FY 2017 is appropriated for early childhood education"
Insert: "The Office of Public Instruction is appropriated up to $7.0 million of general fund from SB410 reversions from the 2015 Legislature"

Senators Phillips and Webb present at this time.

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hamlett moved to close **Section E**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - As amended, **HB 2** was concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Keane, Keenan, Malek, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Whitford, Windy Boy, Wolken, Ms. President.
Total 33

Nays: Barrett Dick, Brenden, Caferro, Cohenour, Facey, Fielder, Hinkle, Kaufmann, Larsen, McNally, Moe, Sales, Sands, Swandal, Vincent, Vuckovich, Webb.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair D. Brown moved the Committee of

the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Brenden, Caferro, Driscoll, Moe, Sales, Sands, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 209, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Driscoll, Kaufmann, Malek.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 224, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary,

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: D. Brown, Smith.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 238, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: D. Brown, Hansen, Keenan, Sales, Vance.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 255, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 295, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Barrett Dick, Cohenour, Driscoll, Kaufmann, Malek, Pomnichowski, Whitford.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 333, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 29 concurred in as follows:

Yeas: Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Larsen,

Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Ankney, Blasdel, Fielder, Hinkle, Kary, Keenan, Rosendale, Sales, Smith, Vincent, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 196 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 33

Nays: Blasdel, Brenden, D. Brown, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Webb, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 258 concurred in as follows:

Yeas: Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Nays: Ankney, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Webb, Ms. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 359 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 379 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 538 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 553 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 587 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/31/2015
SR 42, be adopted. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 4/8/2015
SR 5, preliminary report, be adopted. Report adopted.
HB 434, be concurred in. Report adopted.
HB 525, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 4/8/2015
HB 479, be concurred in. Report adopted.

MOTIONS

Senator Blasdel moved to change his vote on **HB 2, Section C, amendment 004,** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Friday, April 10, 2015. Motion carried.

Senate adjourned at 1:25 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 10, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 4/10/2015
Correctly printed: **SR 42**, **SR 52**, **SJ 26**, **HB 322**, **HB 356**, **HB 434**, **HB 479**, **HB 483**, **HB 525**.
Correctly engrossed: **HB 463**, **HB 488**.
Correctly enrolled: **SB 209**, **SB 224**, **SB 238**, **SB 255**, **SB 295**, **SB 333**.
Examined by the sponsor and found to be correct: **SB 209**, **SB 219**, **SB 221**, **SB 224**, **SB 238**, **SB 255**, **SB 295**, **SB 333**.
Transmitted to the House: **HB 29**, **HB 196**, **HB 258**, **HB 359**, **HB 379**, **HB 538**, **HB 553**, **HB 587**, **HB 606**.
Signed by the Secretary of the Senate at 4:30 p.m., April 10, 2015: **SB 183**, **SB 209**, **SB 219**, **SB 221**, **SB 224**, **SB 238**, **SB 255**, **SB 295**, **SB 333**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Sales, Chair): 4/10/2015
HB 430, be concurred in. Report adopted.
HB 463, be amended as follows:

1. Page 2, line 1.
Following: "subject to"
Insert: "notice to the court or"

2. Page 2, line 1.
Following: line 1
Insert: "(3) Subsection (1)(a) does not apply if the owner of the property dies or if the owner of the property flees
after the prosecution is commenced and is not apprehended within 12 months after the prosecution is commenced. If the owner of the property appears or is apprehended within 12 months after the prosecution is commenced, the owner of the property shall pay a storage fee of $100 per month for each month the property is held."

And, as amended, be concurred in. Report adopted.

HB 468, be concurred in. Report adopted.
HB 488, be amended as follows:

1. Page 7, line 10 through line 11.
Following: "[section1]."
Strike: remainder of line 10 through line 11

2. Page 13, line 23.
Strike: "consecutive"

3. Page 14, line 1.
Strike: "consecutive"

4. Page 14, line 3.
Strike: "consecutive"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 9, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Thursday, April 9, 2015, I signed and delivered **Senate Bill 338** - E. Arntzen to the Secretary of State.

I am returning **Senate Bill 188** - C. Vincent with amendments.

I have vetoed **Senate Bill 200** - D. Ankney.

Sincerely,

STEVE BULLOCK
Governor

April 9, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59602

Dear President Barrett:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 188** (SB 188), "AN ACT CLARIFYING THAT REAL PROPERTY DAMAGE RESTORATIONS COSTS MAY NOT BE GREATER THAN THE FAIR MARKET VALUE OF THE PROPERTY IMMEDIATELY BEFORE A FIRE; DEFINING 'FOREST OR RANGE FIRE'; AMENDING SECTION 50-63-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

SB 188 amends Section 50-63-104 (Liability for forest or range fires) in two ways. First, it caps the amount that may be recovered specifically for fire losses and damages to real and personal property. Second, it provides a definition of "forest or range fire."

To the extent that the bill provides greater clarity and certainty for claims arising out of forest or range fires, I support it. However, as enacted, I believe the cap on the amount recoverable for losses to improved property creates a risk that property owners may not be fully compensated if the costs of restoring improvements on their property exceeds the fair market value of the property immediately before the fire. As we have seen in recent years, property values can fluctuate significantly due to a number of factors, and they vary across the state. If the costs of restoring a property owner's improvements, including homes and other structures, exceeds the fair market value, the property owner may be left without full recourse for their losses.

My proposed amendment to SB 188 addresses this potentially inequitable result. Damages to unimproved property will still be capped at the fair market value immediately before the fire. With respect to improvements, however, a property owner will be able to claim the costs of restoring the property as damages, if those costs exceed the fair market value of the property immediately before the fire.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Amendment reads:

1. Page 1, line 21.
Strike: "restoration"

2. Page 1, line 22.
Strike: "restoration"
Following: "costs"
Insert: "of restoring the unimproved property"

April 9, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 200** (SB 200), "AN ACT GENERALLY REVISING INCOME TAX LAWS; LOWERING INDIVIDUAL INCOME TAX RATES; REVISING THE CAPITAL GAINS CREDIT; AMENDING SECTIONS 15-30-2103 AND 15-30-2301, MCA; AND PROVIDING AN APPLICABILITY DATE."

Under our current tax climate, Montana's economy is thriving. Over the past two years our unemployment rate has fallen by 25 percent to 4.2 percent, almost a point-and-a-half below the national average. We are the 5th fastest state for employment growth in the nation. In 2013 every industry added jobs and our GDP expanded by 4.5 percent.

The budget I presented to the 64th Legislature balances our budget without raising taxes. It builds upon the fiscally responsible management that has served our state so well and makes fiscally responsible and sustainable investments in education, health care and infrastructure that will benefit Montanans for generations to come, and it sets some money aside for an unexpected rainy day.

History has a way of repeating itself - at the end of the 2013 legislative session I had to veto $150 million in expenditures that would have left our budget unbalanced and jeopardized Montana's

fiscal health. I would not think the Legislature would want to go down that path again.

Although we have just 20 days left of a 90 day session, the Legislature has yet to settle on a revenue estimate. The most recent projections from legislative staff show that the Legislature, controlled by Republican majorities in both houses, has disregarded my balanced budget and proposed spending and tax cuts that would put the State in deficit spending by $90 million (attached LFD status sheet).

This lack of fiscal discipline would jeopardize the strength of Montana's economy and our place as the most fiscally prudent state in the nation.

SB 200 accounts for a significant part of the spending that has been proposed. SB 200 primarily benefits the wealthiest individuals and costs close to $200 million over the next four years. Almost 40 percent of the benefit of SB 200 would go to the tope 10 percent of income earners, with 56 percent of the benefit going to individuals who earn more than $80,000.

The experience of other states shows that decimating your revenue base to benefit large corporations and the wealthiest individuals does not work to stimulate the economy. To the contrary, states like New Jersey, Wisconsin, and Louisiana have seen these trickle-down experiments fail resulting in funding cuts to schools, roads, and other services and forcing these states into, in some cases, billion dollar deficits.

SB 200 proposes to take Montana down this failed path despite the fact that Montana's economy is growing and that our state and local tax burden is among the lowest in the nation.

I take my job to be a responsible steward of Montana taxpayer dollars seriously. SB 200 would undercut Montana's fiscal health and the strong job creating climate that comes from it.

For these reasons, I veto SB 200.

Sincerely,

STEVE BULLOCK
Governor

MOTIONS

Majority Leader Rosendale moved to appoint a Conference Committee on **SB 138** and request the House to appoint a like committee. Motion carried. President Barrett appointed:

4/10/2015

Senator Hoven, Chair
Senator Larsen
Senator Webb

Senator Rosendale moved **HB 89, HB 322, HB 389, HB 483, HB 506, HB 560, and HB 577** be

taken from the second-reading board, and **HB 356** be taken from today's second-reading agenda, and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Hansen moved that **HB 381** be taken from Finance and Claims and brought before the Committee of the Whole this date. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 53, introduced by J. Sesso, referred to State Administration.
SR 54, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 55, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 27, introduced by D. Kary, D. Brown, referred to Highways and Transportation.
SJ 28, introduced by J. Windy Boy, D. Ankney, Dick Barrett, B. Bennett, T. Brown, E. Buttrey, M. Caferro, P. Connell, V. Court, W. Curdy, A. Doane, K. Dudik, J. Eck, M. Funk, B. Hamlett, K. Hansen, D. Hayman, C. Hunter, J. Karjala, C. Kaufmann, J. Keane, B. Keenan, K. Kelker, G. Kipp, D. Lamm, C. Larsen, M. MacDonald, S. Malek, E. McClafferty, N. McConnell, M. McNally, R. Mehlhoff, D. Moore, P. Noonan, A. Olsen, R. Osmundson, C. Pease-Lopez, R. Peppers, Z. Perry, J. Pomnichowski, D. Sands, N. Schwaderer, J. Sesso, B. Smith, S. Stewart-Peregoy, K. Swanson, F. Thomas, M. Tropila, B. Tutvedt, C. Vincent, G. Vuckovich, S. Webber, L. Whitford, K. Williams, N. Wilson, C. Wolken, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 78 - Senator Facey moved **HB 78** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 7 - Senator Larsen moved **HJ 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Fielder, Hinkle, Howard, Moore, Ripley, Sales, Tutvedt, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 237 - Senator C. Smith moved **HB 237** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Malek, Whitford.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 575 - Senator Hansen moved **HB 575** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 517 - Senator Swandal moved **HB 517** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 168 - **House Amendments** - Senator Buttrey moved House amendments to **SB 168** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 191 - **House Amendments** - Senator Driscoll moved House amendments to **SB 191** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: D. Brown, Webb.
Total 2

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 220 - **House Amendments** - Senator Kaufmann moved House amendments to **SB 220** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 34

Nays: Ankney, Blasdel, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Moore, Pomnichowski, Smith, Taylor, Thomas, Vance, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 356 - **House Amendments** - Senator Fielder moved House amendments to **SB 356** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 44

Nays: Kaufmann, Malek, McNally, Pomnichowski, Whitford, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 385 - **House Amendments** - Senator Webb moved House amendments to **SB 385** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Malek, McNally,

Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 36

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Kaufmann, Larsen, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 250 - **Governor's Amendments** - Senator Ripley moved Governor's amendments to **HB 250** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Barrett Dick, Driscoll, Kaufmann, Malek, Pomnichowski, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 381 - Senator Hansen moved **HB 381** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 26

Nays: Barrett Dick, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 36

Nays: Caferro, Driscoll, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 8:00 a.m., Saturday, April 11, 2015, the seventy-third legislative day. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 11, 2015 — State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present, Senators D. Brown, Buttrey, Hamlett, and Sesso excused. Quorum present.

BILLS AND JOURNALS 4/11/2015
Correctly printed: **SR 53**, **SR 54**, **SR 55**, **SJ 27**, **SJ 28**, **HB 78**, **HB 237**, **HB 381**, **HB 430**, **HB 468**, **HB 517**, **HB 575**, **HJ 7**.
Correctly engrossed: **HB 245**, **HB 454**.
Transmitted to the House: **HB 78**, **HB 237**, **HB 381**, **HB 517**, **HB 575**, **HJ 7**.
Signed by the President at 5:30 p.m., April 10, 2015: **SB 183**, **SB 209**, **SB 219**, **SB 221**, **SB 224**, **SB 238**, **SB 255**, **SB 295**, **SB 333**.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 4/10/2015
HB 245, be amended as follows:

1. Page 3, line 19.
Following: "FOR"
Insert: "collection and"

2. Page 8, line 5.
Strike: "$20"
Insert: "$75"

And, as amended, be concurred in. Report adopted.

HB 472, be concurred in. Report adopted.
HB 614, be concurred in. Report adopted.

STATE ADMINISTRATION (Webb, Vice Chair) 4/10/2015
HB 454, be amended as follows:
1. Page 4, line 22.
Strike: "Each"
Insert: "The county central committee of each"

2. Page 5, line 1.

Following: "If"
Insert: "the central county committee of"

3. Page 5, line 3.
Following: "If"
Insert: "the county central committee of"
Strike: the second "party"
Insert: "county central committee"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 10, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Clinical Laboratory Science Practitioners
MCA 2-15-1753

! Mr. Carl Donovan, 1509 13th Ave South, Great Falls, MT 59405, was reappointed to serve a term starting April 17, 2015 and ending April 1, 2019. Mr. Donovan fulfills the qualifications of public member not associated with or financially interested in the practice of clinical laboratory science for the board.

! Mr. Matthew Kalanick, 1300 28th Street South, Great Falls, MT 59405, was appointed to serve a term starting April 17, 2015 and ending April 1, 2019. Mr. Kalanick fulfills the qualifications of clinical laboratory science practitioner who holds an active license for the board.

! Ms. Vicki A. Rice, 2008 Oro Fino Gulch, Helena, MT 59601, was reappointed to serve a term starting April 17, 2015 and ending April 1, 2019. Ms. Rice fulfills the qualifications of clinical laboratory science practitioner who holds an active license for the board.

Board of Optometry
MCA 2-15-1736

! Mr. Pete Fontana, 1120 24th Ave SW, Great Falls, MT 59405, was reappointed to serve a term starting April 10, 2015 and ending April 1, 2019. Mr. Fontana fulfills the qualifications of representative of the public not engaged in the practice of optometry for the board.

Transportation Commission
MCA 2-15-2502

! Mr. Daniel Belcourt, 120 Woodworth Ave, Missoula, MT 59801, was appointed to serve a term starting April 10, 2015 and ending January 1, 2019. Mr. Belcourt fulfills the qualifications of District 1 Representative, knowledge of Indian culture and tribal transportation needs, Democrat for the commission.

! Ms. Carol Lambert, PO Box 2, Broadus, MT 59317, was reappointed to serve a term starting April 10, 2015 and ending January 1, 2019. Ms. Lambert fulfills the qualifications of District 4 Representative, Republican for the commission.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

April 10, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Friday, April 10, 2015, I signed and delivered the following bills to the Secretary of State:

Senate Bill 140 - L. Jones
Senate Bill 144 - E. Buttrey
Senate Bill 327 - M. Blasdel

I have vetoed **Senate Bill 277** - R. Webb.

Sincerely,

STEVE BULLOCK
Governor

April 10, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 277** (SB 277), "AN ACT PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM COLLECTING PERSONALLY IDENTIFIABLE INFORMATION ABOUT PERSONS PROVIDING CERTAIN PERSONAL ASSISTANCE SERVICES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 277 would prohibit the Department of Health and Human Services from collecting information about workers providing publicly-funded personal assistance and community first choice services. I join many advocates, providers, and families throughout this state in celebrating the development of the Community First Choice program, and I thank all of the Montanans who played critical roles in making this program a reality in Montana. I am proud of the collective work we have done to keep more Montanans needing long-term care in their homes and near their loved ones.

Unfortunately, SB 277 would prevent the state from moving forward on assessments and evaluations of workforce quality, stability, and sustainability in this field of vital importance to the safety and care of Montana's seniors. As Montana's population continues to age, this workforce will continue to grow in importance and merits special attention because of the nature of the work performed -- assistance in the activities of daily living, including bathing, medical assistance, and

managing personal finances.

Montana lags behind many states in terms of transparency, accountability, and opportunities for workers going into the homes of some of our most vulnerable neighbors. For example, at least forty-one states currently require background checks for home health care workers. While our state's rules do not go that far, they are a modest first step in better understanding this vital segment of our workforce and in helping protect the families being served.

I remain committed to evaluating workforce availability and sustainability, enhancing comparative information available to consumers, and improving the consistency and quality of care available to Montanans.

For these reasons, I veto SB 277.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/10/2015

SB 176, introduced by J. Pomnichowski
SB 181, introduced by E. Arntzen
SB 229, introduced by B. Tutvedt

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
4/10/2015

SB 169, introduced by B. Hamlett
SB 192, introduced by R. Driscoll
SB 217, introduced by K. Hansen

Senate bills not concurred in and returned to the Senate: 4/10/2015

SB 160, introduced by D. Ankney
SB 377, introduced by P. Connell

Conference Committee Report No.1 adopted: 4/10/2015

SB 126, introduced by R. Webb

Senate amendments to House bill concurred in: 4/10/2015

HB 180, introduced by B. Smith

MOTIONS

Majority Leader Rosendale moved to appoint a **Free** Conference Committee on **SB 385** and request the House to appoint a like committee. Motion carried. President Barrett appointed:

4/11/2015

Senator Webb, Chair
Senator Kary
Senator Larsen

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hansen in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Sesso present at this time.

SJ 24 - Senator Sands moved **SJ 24** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hansen, Hoven, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 34

Nays: Ankney, Blasdel, Brenden, Fielder, Hinkle, Howard, Jones, Keenan, Ripley, Rosendale, Sales, Smith, Vance.
Total 13

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey, Hamlett.
Total 3

Senator Hamlett present at this time.

HB 337 - Senator Windy Boy moved **HB 337** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll,

Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Blasdel, Fielder, Hinkle, Rosendale, Sales, Vance, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

HB 525 - Senator Fielder moved **HB 525** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Brenden, Connell, Pomnichowski, Ripley, Tutvedt.
Total 5

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

HB 434 - Senator Kaufmann moved **HB 434** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 33

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Kary, Moore, Ripley, Sales, Smith, Swandal, Taylor, Vance, Webb, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

Senator Facey assumed the chair.

HB 562 - Senator Hansen moved **HB 562** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Webb, Ms. President.
Total 19

Nays: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

HB 562 - Senator Rosendale moved **HB 562** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sesso, Smith, Stewart-Peregoy, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 32

Nays: Arntzen, Blasdel, Brenden, Fielder, Hansen, Hinkle, Hoven, Howard, Keenan, Rosendale, Sands, Swandal, Taylor, Vincent, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee

arose. Senate resumed. President Barrett presiding. Chair Hansen moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Brenden.
Total 1

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Connell, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Keane, Keenan, Malek, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 31

Nays: Barrett Dick, Brenden, Caferro, Cohenour, Driscoll, Facey, Fielder, Hinkle, Kaufmann, Larsen, McNally, Moe, Sales, Sands, Swandal, Vincent, Webb.
Total 17

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

HB 78 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell,

Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

HB 237 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 45

Nays: Malek, Whitford, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

HB 381 concurred in as follows:

Yeas: Arntzen, Blasdel, Brenden, T. Brown, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 26

Nays: Ankney, Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

HB 517 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

HB 575 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 25

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

HJ 7 concurred in as follows:

Yeas: Ankney, Barrett Dick, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey,

Hamlett, Hansen, Hoven, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Nays: Arntzen, Blasdel, Fielder, Hinkle, Howard, Jones, Keenan, Moore, Ripley, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

HB 250, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Barrett Dick, Driscoll, Kaufmann, Malek, Pomnichowski, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

SB 168, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

SB 191, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

SB 220, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Hinkle, Kary, Moore, Smith, Vance, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

SB 356, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell,

Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 4/10/2015
HB 305, be concurred in. Report adopted.
HB 576, be concurred in. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

MOTIONS

President Debby Barrett moved to change her third-reading vote on **HJ 7** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Monday, April 13, 2015, the seventy-fourth legislative day. Motion carried.

Senate adjourned at 8:55 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 13, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 4/13/2015
Correctly printed: **SJ 24**, **HB 305**, **HB 337**, **HB 434**, **HB 472**, **HB 525**, **HB 576**, **HB 614**.
Correctly engrossed: **HB 2**.
Correctly enrolled: **SB 34**, **SB 37**, **SB 68**, **SB 126**, **SB 145**, **SB 168**, **SB 176**, **SB 181**, **SB 191**, **SB 213**, **SB 220**, **SB 229**, **SB 237**, **SB 248**, **SB 256**, **SB 270**, **SB 276**, **SB 281**, **SB 294**, **SB 298**, **SB 318**, **SB 335**, **SB 347**, **SB 350**, **SB 356**, **SB 361**, **SB 368**, **SB 372**, **SB 376**, **SB 379**, **SJ 6**, **SJ 9.**
Transmitted to the House: **HB 2**.
Signed by the Speaker at 9:40 a.m., April 13, 2015: **SB 48**, **SB 101**, **SB 150**.
Signed by the Speaker at 10:00 a.m., April 13, 2015: **SB 183**, **SB 209**, **SB 219**, **SB 221**, **SB 224**, **SB 238**, **SB 255**, **SB 295**, **SB 333**.
Delivered to the Governor at 3:30 p.m., April 13, 2015: **SB 48**, **SB 101**, **SB 150**, **SB 183**, **SB 209**, **SB 219**, **SB 221**, **SB 224**, **SB 238**, **SB 255**, **SB 295**, **SB 333**.

Senator Brenden introduced Jason DeShaw, an award-winning mental health speaker and accomplished country musician, who performed for the Senate.

Senator Brenden rose on a point of personal privilege and thanked Marilyn Miller and staff members for their work coordinating and preparing for the memorial service and old-timers' weekend just ended.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (D. Brown, Chair): 4/8/2015
SR 33, be adopted. Report adopted.
SR 47, be adopted. Report adopted.

TAXATION (Tutvedt, Chair): 4/13/2015
HB 156, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: the first "EQUIPMENT"
Strike: "<u>, TRANSPORTATION,</u>"
Insert: "EQUIPMENT FROM PROPERTY TAXATION AND REDUCING PROPERTY TAXES FOR CARBON TRANSPORTATION"

Strike: "FROM PROPERTY TAXES"
Strike: "EXEMPT" on line 6

2. Title, page 1, line 7.
Following: "EQUIPMENT;"
Insert: "ALLOWING A CARRYFORWARD OF AN EXEMPTION OR RATE REDUCTION AFTER TAX YEAR 2025 FOR CERTAIN QUALIFYING PROPERTY;"
Following: "15-6-158,"
Insert: "AND"

3. Title, page 1, line 8.
Strike: "AND 15-24-3111,"
Following: "DATE"
Insert: ","
Strike: "AND"

4. Title, page 1, line 9.
Following: "DATE"
Insert: ", AND A TERMINATION DATE"

5. Page 1, line 11.
Following: "CONTROL"
Insert: "and carbon capture"

6. Page 1, line 12.
Following: "RECENT"
Insert: "and anticipated"

7. Page 1, line 14.
Strike: "THE CLEAN AIR MERCURY RULE"
Insert: "the Utility Mercury and Air Toxics Rule"

8. Page 1, line 15.
Strike: "REVISED OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS"

9. Page 1, line 16.
Strike: "AIR INTERSTATE RULE"
Insert: "Power Plan Rule"

10. Page 1, line 19.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections in preamble

11. Page 1, line 21.
Strike: subsection (8) in its entirety

Renumber: subsequent subsections in preamble

12. Page 1, line 24 through line 27.
Strike: subsection (11) through subsection (13) in their entirety
Renumber: subsequent subsections in preamble

13. Page 1, line 29 through page 2, line 8.
Strike: subsection (15) through subsection (21) in their entirety
Renumber: subsequent subsections in preamble

14. Page 2, line 10 through line 11.
Strike: subsection (23) through subsection (24) in their entirety
Renumber: subsequent subsections in preamble

15. Page 2, line 12.
Strike: "NATIONAL" through "FOR THE"

16. Page 2, line 13.
Strike: "MANUFACTURING" through "FUELS"
Insert: "Maximum Achievable Control Technology"

17. Page 2, line 14 through line 17.
Strike: subsection (26) through subsection (28) in their entirety
Renumber: subsequent subsections in preamble

18. Page 2, line 18.
Strike: "AND"

19. Page 2, line 19.
Following: the second "DISCHARGE"
Insert: "; and
(14) Additional new or future regulatory actions requiring the control of air or water pollution"

20. Page 2, line 24 through line 25.
Strike: "MANY OF"
Strike: ", YET" through "VISIBILITY"

21. Page 3, line 1.
Following: page 2, line 30
Insert: "WHEREAS, incentivizing advancements and investments in carbon sequestration is important to the future of Montana's economy and consistent with the goals in Montana's state energy policy, including expanded technological innovation through enhanced oil recovery; and"

22. Page 3, line 2.

Following: "CONTROL"
Insert: "and carbon capture"
Following: "EQUIPMENT"
Insert: "from property taxation"
Following: the second "AND"
Insert: "reduce property taxes for"
Following: "CARBON"
Insert: "transportation and"
Strike: "FROM PROPERTY TAXES"

23. Page 3, line 11.
Following: "control"
Insert: "and carbon capture"

24. Page 3, line 21.
Following: "control"
Insert: "and carbon capture"

25. Page 3, line 25.
Following: "environment."
Insert: "This includes machinery, devices, or equipment used to capture carbon dioxide or other greenhouse gases."

26. Page 4, line 2.
Following: "control"
Insert: "and carbon capture"

27. Page 4, line 4.
Following: "control"
Insert: "and carbon capture"

28. Page 4, line 5.
Following: "control"
Insert: "and carbon capture"

29. Page 4, line 8.
Following: line 7
Insert: "(d) To qualify for the exemption under subsection (5)(b), the air and water pollution control and carbon capture equipment must be placed into service after January 1, 2014, for the purposes of environmental benefit or to comply with state or federal pollution control regulations. If the air or water pollution control and carbon capture equipment enhances the performance of existing air and water pollution control and carbon capture equipment, only the market value of the enhancement is subject to the exemption under subsection (5)(b).

(e) Except as provided in subsection (2)(d), equipment that does not qualify for the exemption under subsection (5)(b) includes but is not limited to equipment placed into service to

maintain, replace, or repair equipment installed on or before January 1, 2014."
Renumber: subsequent subsections

30. Page 5, line 7.
Following: "control"
Insert: "and carbon capture"
Following: "2014,"
Insert: "and that satisfies the criteria in subsection (2)(d)"

31. Page 5, line 8.
Following: "taxation"
Insert: " for a period of 10 years from the date of certification, after which the property is assessed at 100% of its taxable value"

32. Page 5, line 29 through line 30.
Strike: "CAPTURE, TRANSPORTATION, AND"

33. Page 6, line 21 through line 22.
Strike: subsection (b) in its entirety
Insert: "(b) Carbon sequestration equipment placed in service after January 1, 2014, that is certified as provided in subsection (5) and that has a current granted tax abatement under 15-24-3111 is taxed at 1.5% of its reduced market value during the qualifying period provided for in 15-24-3111(7)."

34. Page 6, line 27.
Strike: "DEPARTMENT OF ENVIRONMENTAL QUALITY"
Insert: "board of oil and gas conservation"

35. Page 6, line 30 through page 7, line 1.
Strike: "DEPARTMENT OF ENVIRONMENTAL QUALITY"
Insert: "board of oil and gas conservation"

36. Page 7, line 5 through line 6.
Strike: "DEPARTMENT OF ENVIRONMENTAL QUALITY"
Insert: "board of oil and gas conservation"

37. Page 8, line 4.
Following: ";"
Insert: "and"

38. Page 8, line 5.
Following: "control"
Insert: "and carbon capture"

39. Page 8, line 6 through line 8.

Strike: "; and" on line 6 through "2014" on line 8

40. Page 8, line 10 through page 9, line 30.
Strike: section 4 in its entirety
Insert: "NEW SECTION. **Section 4. Transition after termination -- carryover of abatement.** (1)(a) An exemption or property tax rate reduction that a taxpayer receives under the provisions of law in effect in 15-6-135, 15-6-158, or 15-6-219, prior to the termination date in [section 7]:

(i) may be carried forward for the remaining number of years left under the certification; and

(ii) is not impaired by [this act].

(b) A taxpayer is entitled to the exemption or property tax rate reduction for the period of time established in the section at the time the exemption or property tax rate reduction was first allowed.

(2) This section applies to all exemptions and property tax rate reductions that are removed or repealed by [section 7], including 15-6-135 for pollution control equipment and 15-6-158 for carbon sequestration."

41. Page 10, line 5.
Following: "control"
Insert: "and carbon capture"

42. Page 10, line 7.
Following: line 6
Insert: "NEW SECTION. **Section 7. Termination.** [Sections 1 through 3] terminate December 31, 2025."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/11/2015

SB 34, introduced by T. Facey
SB 37, introduced by J. Fielder
SB 57, introduced by C. Vincent
SB 68, introduced by M. Caferro
SB 112, introduced by D. Ankney
SB 123, introduced by B. Tutvedt
SB 145, introduced by B. Hamlett
SB 148, introduced by C. Smith
SB 149, introduced by M. Rosendale
SB 213, introduced by F. Thomas
SB 216, introduced by R. Webb
SB 230, introduced by C. Vincent

SB 232, introduced by F. Moore
SB 235, introduced by K. Hansen
SB 237, introduced by M. Blasdel
SB 240, introduced by E. Buttrey
SB 248, introduced by J. Brenden
SB 253, introduced by M. McNally
SB 256, introduced by B. Hamlett
SB 270, introduced by J. Taylor
SB 276, introduced by R. Webb
SB 281, introduced by F. Moore
SB 294, introduced by F. Moore
SB 298, introduced by J. Fielder
SB 318, introduced by N. Swandal
SB 330, introduced by B. Hamlett
SB 335, introduced by B. Tutvedt
SB 336, introduced by B. Keenan
SB 347, introduced by T. Facey
SB 350, introduced by C. Smith
SB 361, introduced by B. Hamlett
SB 368, introduced by M. Rosendale
SB 372, introduced by M. Blasdel
SB 376, introduced by J. Brenden
SB 379, introduced by G. Vance
SB 384, introduced by R. Webb

Senate joint resolutions concurred in and returned to the Senate: 4/11/2015

SJ 6, introduced by C. Larsen
SJ 9, introduced by J. Brenden
SJ 13, introduced by D. Ankney
SJ 14, introduced by F. Thomas

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/11/2015

SB 93, introduced by P. Connell
SB 128, introduced by K. Hansen
SB 258, introduced by B. Hoven
SB 261, introduced by B. Hamlett
SB 280, introduced by F. Moore
SB 283, introduced by J. Brenden
SB 325, introduced by J. Keane
SB 349, introduced by C. Smith
SB 355, introduced by D. Ankney

SB 367, introduced by J. Taylor
SB 389, introduced by B. Hamlett
SB 390, introduced by E. Arntzen

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/11/2015

SJ 10, introduced by L. Jones

Senate bills not concurred in and returned to the Senate: 4/11/2015

SB 293, introduced by B. Hamlett
SB 334, introduced by J. Fielder

MOTIONS

Majority Leader Rosendale moved **HB 245**, **HB 468**, and **HB 488** be taken from the second-reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Thomas moved consideration of **HB 479** be passed from today's second-reading agenda to tomorrow, the seventy-fifth legislative day. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moe in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 546 - Senator D. Brown moved **HB 546** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hoven, Jones, Malek, Moore, Ripley, Rosendale, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 19

Nays: Arntzen, Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hinkle, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 546 - Majority Leader Rosendale moved **HB 546** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 36

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hoven, Jones, Ripley, Rosendale, Swandal, Thomas, Webb, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 430 - Senator Hansen moved **HB 430** be concurred in. Motion carried as follows:

Yeas: Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Thomas, Tutvedt, Vance, Webb, Wolken.
Total 33

Nays: Ankney, Arntzen, Brenden, D. Brown, Fielder, Hinkle, Keane, Moore, Sesso, Stewart-Peregoy, Swandal, Taylor, Vincent, Vuckovich, Whitford, Windy Boy, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 195 - **House Amendments** - Senator Caferro moved House amendments to **SB 195** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 217 - **House Amendments** - Senator Hansen moved House amendments to **SB 217** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Caferro, Driscoll, Kaufmann, Malek, Moe, Phillips, Pomnichowski.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307 - **House Amendments** - Senator Stewart-Peregoy moved House amendments to **SB 307** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 364 - **House Amendments** - Senator Cohenour moved House amendments to **SB 364** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Barrett Dick, Caferro, Kaufmann, Malek, McNally, Pomnichowski, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 371 - **House Amendments** - Senator Blasdel moved House amendments to **SB 371** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 41

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Kaufmann, Malek, Moe, Sands, Wolken.
Total 9

Absent or not voting: None.
Total 0

Excused: None.

Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Moe moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Facey, Rosendale, Webb.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 337 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Blasdel, Sales, Vance, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 434 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 32

Nays: Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 525 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Brenden, D. Brown, Connell, Pomnichowski, Ripley.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 24 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 37

Nays: Brenden, Hinkle, Howard, Jones, Keenan, Ripley, Rosendale, Sales, Smith, Thomas,

Vance, Webb, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 51 - Senator T. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 51**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 36 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 36**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 38 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 38**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 39 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 39**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Keane, Ripley.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 43 - Senator Webb moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 43**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 7 - Senator Brenden moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 7**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 48 - Senator Thomas moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 48**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Smith introduced the Pages for the coming week:

Mya Ator from Colstrip, sponsored by Senator Ankney
Nicholas Buenz from Big Fork, sponsored by Senator Keenan
Dylan McPhail from Anaconda, sponsored by Senator Vuckovich
Daine Meissner from Chester, sponsored by Senator Hansen

On Sunday, April 12, 2015, the Montana Legislature met to recognize and record the passing of former members of the Senate and House of Representatives. Memorials of those members are included in this journal beginning on the following page.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, April 14, 2015, the seventh-fifth legislative day. The motion carried.

Senate adjourned at 2:15 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

BETTY RUTH (LEE) BABCOCK

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF BETTY RUTH (LEE) BABCOCK ON AUGUST 4, 2013 IN HELENA, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE BETTY BABCOCK BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HER CAREER ARE HEREBY NOTED:*

Betty Ruth (Lee) Babcock was born March 11, 1922, in Aplington, Iowa, to Otis Forest "Bill" Lee and Ruth (Travis) Lee. She joined a 10-year-old brother, Cloyd "Sonny" Lee. At the age of two, after her mother's death, Betty went to live with her Uncle Elwood "Wood" Lee and his wife, Katherine "Nandy," in Glendive, where she lived until she married her high school sweetheart, Tim Babcock, on September 21, 1941 in Las Vegas.

Betty became the First Lady of Montana in 1962 and thus began her tireless work for the state she loved. She wrote the "First Ladies' Cookbook," proceeds of which funded several Montana projects; she served on Shodair's Board of Directors, was a member of the 1972 Constitutional Convention, served in the Montana House of Representatives in1974, chaired the Montana Capitol Restoration Foundation, and represented Montana at 17 National Republican Conventions. Betty also belonged to the Beta Sigma Phi sorority, the PEO, Daughters of the American Revolution, Eastern Star and Daughters of the Nile.

Betty was truly devoted to her family and friends. More than anything, she loved spending time with her family and bragging about them to anyone who would listen. She was dedicated to genealogy and spent a great deal of time researching and recording the history of her family. She was committed to her causes and beliefs and was a true "patriot's patriot." Helping others succeed made her happiest. To her family she was the fun-loving matriarch; to her friends she was someone who could always be counted on; and to everyone who met her she was genuine and sincere. We will remember most her love of God, her dedication to her family and friends, and her unwavering commitment to her state and country.

Betty is survived by her daughter, Lorna Kuney (Bill); grandchildren, Lee Ann Ruud (Monte), Tim Kuney (Tina), Ralph Kuney, Phoebe Winchester (Johnny) and Mathew Fillinger; and great grandchildren, Kate, Lizzy and Jon Ruud, Jack and Anna Kuney, Connor and Nevan Olson, Trace and Marlee Williams, Declan Winchester, and Cody, Dylan and Noemi Fillinger.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

TIM BABCOCK

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF TIM BABCOCK ON APRIL 7, 2015 IN HELENA, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE TIM BABCOCK BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Tim Babcock was named Milford Babcock when he was born on October 27, 1919, in a humble home in Littlefork, Minnesota, to Erwin and Olive (Rinehart) Babcock. He was nicknamed "Tiny Tim" by his aunt. He soon outgrew the "Tiny" part, but the name "Tim" stuck to him for life.

He graduated from Dawson County High School in 1939 and headed for California with a cousin and a friend and found a job selling pots and pans door to door. He eventually got a job at Douglas Aircraft in Santa Monica. Tim and his high school sweetheart, Betty Lee, were married on September 21, 1941 in Las Vegas.

Six months after Pearl Harbor was attacked on December 7, 1941, Tim was called to duty. Tim shipped out on December 12, 1944 as part of the 2nd Battalion, E Company, 394th Infantry Regiment, 99th Infantry Division and fought in the "Battle of the Bulge." He captured a German officer and was awarded a Bronze Star for heroism at the Remagen Bridge. The following citation was sent home to his family.

"Private First Class Tim Babcock, 394 Infantry, United States Army, for heroic action in connection with military operations against the enemy on March 11, 1945, in Germany. Private First Class Babcock braved murderous automatic weapons fire in his determination to secure the aid of the adjacent squad in freeing his own unit, pinned down by withering fire. Upon reaching the unit, he quickly acquainted them with the situation and led them to the enemy's flank and directed the annihilation of the hard fighting group, enabling his men to proceed to the objective. By his heroic execution of duty, Private First Class Babcock reflects credit upon himself and the armed forces."

Tim was elected as a State Representative from Custer County in 1952 and then in 1956 and 1958 representing Yellowstone County. He was elected Lieutenant Governor in 1960 to serve with Governor Donald Nutter. Governor Nutter was killed in a plane crash on January 25, 1962, and Tim Babcock was constitutionally placed into the office of Governor. He won the election in 1964 and served as Governor until 1969.

Tim represented Montana at several special events during his tenure as Governor, the first being the World's Fair in Seattle in 1962. On January 1, 1964, the Montana Territorial Centennial was kicked off at the Pasadena Rose Parade. The Montana Centennial Train left Billings on April 5, 1964, and made fifteen stops on the way to its final destination in New York.

After leaving the Governor's office Tim had several business enterprises: the Babcock and Lee Truck Line with Betty's father, Occidental Petroleum, January Mining Company, Colonial Inn, KTCM-TV,

Davenport Hotel in Spokane and as a consultant. Tim purchased the famous Ox Bow Ranch in 1978 and went into the cattle business. He also raised thoroughbred horses on the ranch.

Tim and Betty's daughter Marla and his wife Betty predeceased him. He is survived by his daughter Lorna Kuney (Bill); grandchildren, Lee Ann Ruud (Monte), Tim Kuney (Tina), Ralph Kuney, Phoebe Winchester (Johnny) and Mathew Fillinger; and great grandchildren, Kate, Lizzy and Jon Ruud, Jack and Anna Kuney, Connor and Nevan Olson, Trace and Marlee Williams, Declan Winchester, and Cody, Dylan and Noemi Fillinger.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

LARRY L. BAER

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF LARRY L. BAER ON FEBUARY 5, 2015 IN BIGFORK, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE LARRY BAER BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Larry Baer was born in Chicago, lived in many states, but loved Montana and was happy to call it "home." Larry was a man full of passion and love, dedicating himself to his family and friends.

Though his family always came first, his life was filled with many professional accomplishments: Navy hospital corpsman, policeman, business owner/entrepreneur, published author, artisan. He was the owner of Larry Baer Fine Firearms where he did classic restoration and gunsmithing.

Larry served as a Montana State Senator for the 1995 and 1997 Legislative Sessions. He was a member of the Judiciary, Labor and Employment Relations, Public Health, Welfare & Safety, Finance & Claims, and Highways & Transportation committees.

Larry is survived by his wife, Shirley; his mother, Adelaide; his three children, Samuel, Carin and Charles; and his two grandchildren, Lauren and Vaughan.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

ELMER "BRENT" BLISS

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF ELMER 'BRENT' BLISS ON AUGUST 28, 2014, IN DUTTON, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE BRENT BLISS BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Elmer "Brent" Bliss, was born on March 12th, 1930 to Elmer and Sadie Bliss in Great Falls. He attended Largent School through 5th grade and then moved to Power where he worked on the family farm and graduated from high school in 1948.

In that same year he joined the Air National Guard and went on active duty with the Air Force in 1950, during the Korean conflict. There, Brent served as Crew Chief and sheet metal frame mechanic, working on P-51 Mustangs. He was a member of the George AFB volleyball team, winning the National Championship in 1948.

After his tour in the ANG, Brent retuned to farming and in the spring of 1955 married Patty Mathews. They raised two sons on the family farm east of Dutton. Amidst a busy farming schedule and raising a family, he studied and obtained his law degree from La Salle Extension University of Chicago in 1971. Brent was active in his community and was a member of the American Legion, Montana Farm Bureau, Bethany Lutheran Church and Promised Land school board.

He enjoyed every sport that included a round ball. Brent loved telling how at age 10 he won the Great Falls marble championship. His children and grandchildren shared his love of sports. He and Patty traveled all over the state to watch them play ball, never missing a game. At age 50 he began golfing, and made his first hole in one at age 60 and another at 80. He also enjoyed the arts and entertainment in Branson, Missouri, where he and Patty spent several winters.

Brent is survived by his wife of 59 years, Patty Bliss; sons Stuart (Loretta) of Dutton and Gerald (Ebbie) of Great Falls; grandchildren Shari, Candice, Colby, Kevin and Blair; great-grandsons Matthew and Caysen; brothers Gerald of California and Dave (Virginia) of Conrad, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

RAYMOND JOHN BRANDEWIE

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF RAYMOND JOHN BRANDEWIE ON APRIL 26, 2014 IN BIGFORK, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE RAYMOND BRANDEWIE BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Raymond John "Ray" Brandewie was born to James and Vera Brandewie on March 12, 1940, in Kalispell. He graduated from Bigfork High School and attended the University of Montana. Ray married Terra (Stroisch) Brandewie in 1960, and together they raised their family on Flathead Lake. Ray was a true, native-born Montanan. He lived his life on his own terms and enjoyed everything Montana had to offer. He was the steward of orchards and then tree farms on Flathead Lake.

Ray owned and operated many small businesses, most recently a line of jams and barbecue sauces distinctly made in Montana. Ray served his community and the state as both a volunteer and an elected official. Ray was a school board member of the Lake County Planning board for two terms. He served as a Republican State Representative in the 1985, 1987 and 1993 sessions.

In the spirt of Montana, Ray was an avid outdoorsman, orchardist and farmer, entrepreneur and public servant. He knew where to catch the biggest fish and shoot the biggest buck. He served as a volunteer in the Bigfork Jaycees, Lions Club and Sheriff's Posse.

Ray is survived by his wife, Tressa; three sons, Kirk Brandewie of Pinedale, Wyoming, Brian Brandewie of Gulfport, Mississippi, and Brendt Brandewie of Bigfork; and his daughter, Sherri Dugan, of Bigfork. He is also survived by 16 grandchildren, 10 great-grandchildren, and numerous nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

ED CARNEY

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF ED CARNEY ON AUGUST 14, 2001 IN BILLINGS, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE ED CARNEY BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Ed Carney was born October 13,1920 to Jack and Florence (Richardson) Carney in Scobey, Montana. His parents were homesteaders in the Coal Creek area of northern Daniels County, and Ed was their only child. Ed's father died in 1937 when Ed was 12 years old. Ed graduated from Scobey schools and later from Seattle University.

In 1945 Ed married Betty Hillstrom and they farmed the family homestead and raised their family. Ed was elected to the State Senate in 1956 and re-elected in 1960. While serving in the Legislature he introduced a very important bill to Daniels County which provided for counties to receive payments "in lieu of taxes" on state lands. After his stint in the Senate, Ed remained active in politics.

In 1969 Ed and Betty moved to Helena, where he worked for the Department of State Lands, implementing the Resource Development Program. In 1972 he was appointed Director of the Department of Professional and Occupational Licensing, serving until his retirement in 1981. Ed and Betty moved back to Scobey three years later, and Ed served on many boards, including the Hospital Foundation and local co-ops. In his later years he especially enjoyed photography and following the activities of his grandchildren. Ed believed in accomplishing at least one thing every day.

Ed is survived by daughter Mary Vollertsen of Choteau; sons Steve of Scobey and Jack of Peerless; "daughter" Honey Richardson of Missoula; and seven grandchildren. In addition to his parents, Ed was preceded in death by his wife Betty in 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

GEORGE DARROW

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF GEORGE DARROW ON FEBUARY 25, 2015 IN KALISPELL, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE GEORGE DARROW BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

George Darrow was born in Osage, Wyoming on Friday the 13th of August, 1924 to George and Marjorie (Ord) Darrow. During George's early life the family lived in New York and spent summers in Wyoming. He earned degrees in geology and economics from the University of Michigan where he played football and wrestled. He served in the Navy and worked in oil and groundwater exploration in Billings. In 1953 George married Eileen Riedl, and they had four children: Roy, Karen, Reed and John. The couple later divorced, and George married Elna Eshom in Bigfork in 1976. George and Elna were married for 32 years. Elna passed away in 2009 and his son John in 2010.

The Darrows were consummate volunteers for decades in the Bigfork community where they owned and operated Kootenai Galleries for many years. He was a driving force behind the Bigfork Center for the Performing Arts and led an effort to raise nearly $1 million for the center in the mid-1980s. George served on a committee to conserve Cougar Canyon, a tract of state land on the mountainside above Woods Bay, as accessible public property.

As a Republican state legislator in both the House and Senate from 1967 to 1974, George wrote and led the passage of the Montana Environmental Policy Act, landmark legislation that still guides the planning of development projects with a focus on environmental impacts. George was known as the father of MEPA. He was the chief sponsor of the Montana Water Policy Act in the 1967 Legislature.

George is survived by his children, Roy Darrow, Reed Darrow and Karen Darrow.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

ROBERT "BOB" DEPRATU

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF ROBERT "BOB" DEPRATU ON JANUARY 31, 2014 IN WHITEFISH, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE BOB DEPRATU BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Bob Depratu was born in 1939 in Eureka, Montana. He learned early on in life that hard work was the gateway to a better life. Bob got his first job at age nine when his father bought him a rototiller and Bob worked neighbors' gardens for $5 apiece. During his seventh and eighth grade years at the Rexford school, he would line up prospective customers to buy vehicles from Rygg Ford. He sold cars for Rygg after graduating from Lincoln County High School in Eureka in 1957 and during the summer between his two years at Kinman Business University in Spokane, where he earned an associate degree in accounting. He got his driver's license at age 12 and delivered groceries after school for several years. By 15 he was foreman of the hay crew for the Sam Leighty farm at Rexford. At 16 he was working with a crew at Valcor Logging, driving the trucks and operating a skid cat.

After he married Bea in 1959, the couple settled into Whitefish and he went right to work at the Ford dealership selling cars for Rygg until he bought the business five years later. He was President of the Montana Auto Dealers Association and was named to the Ford Motor Co. National Dealer Council in 1981, where he served on the new products and political affairs committees. He served on Ford's customer resolution board for six years.

He was proud of the work ethic he and Bea instilled in their own three children, Bret, Bart and Brenda. All three worked at the dealership during their youth. Bart joined the business as a partner in 1985 and remains a primary owner. Brenda is the parts and service director.

Bob's community service ranged from being a yeti in the Winter Carnival to faithful involvement with the Jaycees, Rotary and Chamber of Commerce. He was very generous with his time and in making contributions to worthwhile organizations.

Bob served in the state Senate from 1997 to 2005 and became chairman of the Senate Taxation Committee. Bob said in 2012 that his work to pass legislation to lower the state's income and capital gains taxes was his most noteworthy accomplishment as a legislator. DePratu "was a great man, a great gentleman who was willing to work with anyone and everyone," former state Representative Bob Lawson of Whitefish said in Bob's obituary.

Bob is survived by his wife of 54 years, Bea DePratu; sons Bret and Bart; and daughter, Brenda DePratu.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

WALLACE "WALLY" EDLAND

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF WALLACE "WALLY" EDLAND ON JANUARY 27, 2000 IN GARLAND, TEXAS, AFTER A LONG BATTLE WITH CANCER.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE WALLACE EDLAND BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED*

Wallace "Wally" Edland was born May 12, 1932 in Peerless to Harold and Viola Edland. He attended schools in Opheim, Peerless and Scobey, graduating from Scobey High School in 1950. He joined the U.S. Air Force soon after high school. In 1953 Wally and Mary Miller were married in Scobey while he was home on furlough. Following discharge from the service they farmed and operated Mary Ann's dress shop in Scobey.

Over the years here Wally served on the city council, airport commission, Peerless Farmers Union board, fair association, as an officer in the National Farm Organization, in Jaycees and was active in his church. Wally was an upset winner in a six-person (three elected) race for the State Legislature from District 5-B in 1970. In 1972 the district changed to include all of Daniels, Roosevelt and Sheridan counties and most of Valley. Four were elected from this district, and Wally was the top vote getter of the seven candidates. He later was appointed head of the state Farm Home Administration.

The family sold their interests in Montana and farmed in South Dakota before moving to Texas, where for some years Wally worked with his sons. During the last ten years of his life, he and Mary lived at Garland, Texas, happy to be near all three of their children.

Wally was survived by his wife Mary, sons Craig and Mitch and daughter Lori, all of Texas; four grandchildren; and a sister Kelly Kuyendall of California. He was proceeded in death by his parents and a brother, Lloyd.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

HAROLD AND EDNA GUNDERSON

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF HAROLD AND EDNA GUNDERSON. BOTH SERVED IN THE MONTANA LEGISLATURE. EDNA PASSED AWAY ON JULY 18, 2003 AND HAROLD ON DECEMBER 23, 2013.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE HAROLD AND EDNA GUNDERSON BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO THEIR CAREERS ARE HEREBY NOTED:*

This memorial is dedicated to both Harold and Edna Gunderson. The Gundersons both served in the Legislature. Edna passed away in 2003 and was never memorialized. It seemed fitting to include both in this memorial.

Edna was born July 1, 1927, in Choteau, to Freida and Ernest Arensmeyer, where she was raised with many brothers and sisters whom she loved dearly. Harold was born in Great Falls, Montana, on November 11, 1925, the oldest son of Ole and Effie Gunderson. He was raised in Power, Montana, graduating from Power High School in 1943. After graduation he enlisted in the Air Force and served as a flight engineer on a B29 bomber in the Pacific Theater, surviving a major plane crash. After he returned from the war he attended Montana State University earning a BS in Economics.

Edna and Harold married in 1947, and they had five children. Edna attended MSU, majoring in journalism before moving to the farm in Power where the couple started their family. In 1960, she and Harold moved their family to Havre, where together they established the Hi-Line Herald newspaper and she pursued her career in journalism. After moving to Havre, Harold formed Highline Publishing Company, later purchasing the Havre Independence and expanding the business.

Harold served as Havre Postmaster from 1966 until retiring in 1988. He was Commissioner of Public Housing in Great Falls, served on the Board of Directors of Power Farmers Elevator Co. and 3 Rivers Telephone Company. Harold also served in the State Legislature from 1951-1960.

Edna edited, directed and published the book, "Grit, Guts, and Gusto." Politics were her passion and she loved her native state of Montana. She served as president of the State Democratic Women's Committee, was the secretary of the Democratic Central Committee, and was a delegate to the Democratic National Presidential Convention in Chicago in 1968. She was elected to the Montana Legislature as a State Representative for Hill County in 1977. Edna's campaign motto in 1977 was "A Woman's Place is in the House." She remained in Helena where she was employed in state government, first for the legislative stenographic pool, then the Department of Transportation.

Survivors include daughters, Karen (George) Brooker of Clinton, Montana, Marsha (Larry) Daulton of Hayden, Idaho, Linda West of Whitefish, Montana; son, Gary (Debby) Gunderson of Power, Montana; grandchildren, great-grandchildren and nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

JACK GUNDERSON

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF JACK GUNDERSON ON JANUARY 8, 2014 IN GREAT FALLS, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE JACK GUNDERSON BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Jack Gunderson was born on May 23, 1929 in Power, Montana. He was the fourth of eight children of Ole and Effie Gunderson of Power. Jack attended Power Public Schools for 12 years and graduated from high school there in 1947. He earned eight letters in sports while in high school. He attended Montana State University in fall 1947. Jack married Corrine "Corkey" Nelson on January 18,1948. They farmed for 43 years in the Power area and raised four children. After marrying Corkey they lived at the farm in Power until they retired from active farming in 1980.

Jack was a lifetime member of the Montana Farmers Union and the Democratic Party. He was elected to the State Legislature in 1964 and served seven terms in the House. He was chairman of the House Education Committee for two of those terms. His proudest achievements at the Legislature were the establishment of the five state vocational educational schools and of the Montana Wheat Commission, now the Wheat and Barley Committee. He was also proud of working to pass legislation calling for the convention that wrote the new Montana Constitution in 1972, and he worked hard for its adoption that year. He actively supported the State Hail Insurance program and fought to increase its coverage from $12 to $24 per acre in the 1967 Legislature. Jack's father, Ole, and his older brother, Harold, were also members of the House of Representatives.

After Jack retired from farming in 1980, he and Corkey moved to Helena. In his early years in Helena, Jack was the administrator of the State Hail Department for four and a half years. Jack and Corkey loved to travel with their friends. Jack visited 48 of the 50 states and also Japan, Taiwan, Australia, New Zealand and the British Isles. Jack later married Bernice Winters. Jack and Bernice also lived in Helena and traveled extensively. They divorced in 1997.

Jack is survived by all four of his children: Steve of Power, Dana of Cupertino, California, Alan of Tulsa, Oklahoma, daughter Kari of Condon. Jack is also survived by two grandsons, Chris and Erik Gunderson of Alaska, and one granddaughter, Grace Gunderson, of Tulsa.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE

JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

DAVID PHILIP HALVORSON

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF DAVID PHILIP HALVORSON ON JULY 1, 2013 IN SIDNEY, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE DAVID HALVORSON BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

David Halvorson was born on July 9, 1948 to Oscar and Fay (Lufkin) Halvorson in Sidney. He graduated with honors from Williston High School in 1966 and from the University of North Dakota at Grand Forks with a BS/BA degree in accounting in 1970. At UND he was in ROTC and was commissioned as a second lieutenant following graduation. He then received an appointment to the United States Military Academy at West Point where he completed two years.

In 1972 David began his radio broadcasting career at family-owned radio stations KGCX-AM and KGCH-FM. It was his natural voice for broadcasting that started his career at the Montana State Legislature when he auditioned over the phone for then-Speaker of the House John Mercer. He served in this position in both the House and Senate for 9 sessions.

In 2012 David was elected to the Montana House of Representatives. He was extremely proud to sit in seat 42 and take the oath of office as a member of the House of Representatives. He was a member of the Judiciary, Agriculture and Education committees and served as vice chairman of the Rules Committee.

David was a wheat farmer and seeded his final crop in the spring of 2013. He was a motorcycle rider, sometimes riding in his leathers and sporting a huge handlebar moustache. He rode for many years to the Sturgis, South Dakota motorcycle rally, distributing pocket copies of the Gospel of John while he was there. He was a Sunday school teacher and chairman of the school board for Helena's First Lutheran Church, the executive director of Montana Right to Life, and a member of the Sidney Chamber of Commerce, Sidney Planning Board, and the Richland and Lewis & Clark Republican committees. He was an Eagle Scout and a recipient of the Boy Scouts Order of the Arrow.

David was close to his family, and he shared stories about his love for his mother, his brothers and sisters, his nieces and nephews, cousins, and his goddaughter, Signe Halvorson. David was proceeded in death by his father Oscar. He is survived by his mother, Fay Halvorson of Williston, North Dakota, two brothers, Richard, Thomas and his wife Marilyn, sisters Cynthia and Deborah and aunt, nephews, nieces, grandnieces and nephews, and cousins.

David was known for his quick wit, humor and intellect. He was a man of conviction, principles, and faith who was humbled and honored by his service in the Montana Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

RAYMOND SAM HOFMAN

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF RAYMOND SAM HOFMAN ON JULY 19, 2014 IN BOZEMAN, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE SAM HOFMAN BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Sam Hofman was born December 26, 1928, to Peter and Ida (Sinnema) Hofman in their home near Manhattan, Montana. He attended various country schools in the Manhattan area through third grade. He then attended fourth through tenth grade at Manhattan Christian School and finished his last two years of high school at Western Christian School in Hull, Iowa. Sam spent one year at Calvin College in Grand Rapids, Michigan, before returning to Montana to farm with his father. It was while he attended Calvin College that he met his future bride, Ruth S. Westendrop. They were married October 18, 1949, and enjoyed almost 65 years of marriage.

Sam considered himself a farmer/rancher/seed grower. He was also a very active participant in his family, community and state. He led and was on numerous committees and boards on local, community and statewide levels. Sam felt privileged to serve as a State Senator from 1986 to 1990.

Whether it was as a farmer, rancher or walking the halls of the Capitol, Sam always strove to live his deep faith. He loved God, his family, people, ideas and discussions. He was a passionate and determined but gentle man and with a sense of humor in all that he did. He lived a full and grateful life.

He is survived by his wife, Ruth; his children, sons Robert (Margaret) Hofman, Rich (Colleen) Hofman, daughter Jude (Grey) Hofman, nine grandchildren and 12 great-grandchildren. Sam will also be missed by his sister and brother-in-law, Ida Mae and Satch Freswick; nephews Casey Freswick, David Freswick, Ron Freswick and Dale Freswick, a dear friend Shirley Vanderstelt and by many cousins and friends.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

JOAN E. HURDLE

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF JOAN E. HURDLE ON AUGUST 10,2013.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE JOAN E. HURDLE BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HER CAREER ARE HEREBY NOTED:*

Joan was born in Glendive, Montana on August 21, 1931. Although she lived on the West Coast at various times throughout her life, her heart was always in Montana. She lived in Billings for the past 27 years. An educator, politician and environmentalist, Joan was proud of always sticking to her principles and was known for speaking her mind on issues affecting the Billings community, the state of Montana, the nation and the world. Billings has lost an important progressive voice. Joan served on numerous local and regional boards and was a frequent contributor of letters to both the Gazette and Outpost over the years.

Elected to the Montana House of Representatives for the first time in 1994, Joan served four consecutive terms representing District 13, which largely consisted of the Billings south side and neighborhoods near downtown. While in the Montana House, she tirelessly spoke and fought for citizens who lacked access to highly paid lobbyists and large corporate conglomerates to represent their interests. Throughout her life, Joan was a champion of women's rights as exemplified in her work as a leader in the League of Women Voters and in the involvement in the National Organization for Women (NOW).

Joan once wrote, "The whole purpose of life is to learn how to make the world a better place, to have justice and democracy, to have everyone fed and housed, to have every child a wanted, educated and loved child, to have things, especially our planet, be truly beautiful." She dedicated her life to these principles.

Joan is survived by her sons, Duff Schoonmaker, Jon Schoonmaker and Neil Schoonmaker; daughters-in-law, Kristina Schoonmaker and Tracy Moore; as well as niece, Chrissy Hurdle. She proudly cherished seven grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

VERNON KELLER

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF VERNON KELLER ON JULY 8, 2013 IN COLUMBUS, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE VERNON KELLER BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Vern Keller was born March 28,1926, in Bozeman, Montana to Webster and Jennie Herrin Keller. When he was two years old, the family moved to Fishtail, where his grandfather had homesteaded on Fiddler Creek. He attended the Bedford, West Rosebud and Columbus schools, graduating from Columbus High School in 1944. He then graduated from Montana State University in Bozeman in 1948, where he was a member of Sigma Chi, majoring in animal industry. After graduation, he returned to the family ranch where he raised sheep and cattle. On November 9, 1952, he married Averill E. Perkins in Pullman, Washington and they had two children.

Vern was an active member of the Montana and Stillwater Woolgrowers Associations, Beartooth Stock Association, and Montana Stockgrowers. He also served on the Montana Board of Livestock. In 1975, he was honored as Mr. Agriculture of Montana at MSU. He received the Conservationist of the Year Award for Stillwater County in 1980. He was a past master of Stillwater Masonic Lodge and a member of the Absarokee Community Congregational Church. He was a member of the Stillwater Republican Central Committee.

Vern served as a Republican in the Montana House of Representatives from 1985 to 1994. Vern's father, Webster Keller, was a State Senator from 1951 to 1965. Vern truly enjoyed his years in the House and all the friends he made there.

He had a lifelong love of the land and the ranch. He was a kind, gentle and honest man who always had a smile and loved his family beyond all else. His family said "He is now herding his beloved sheep with the Great Shepherd."

Vern is survived by his wife of 61 years, Averill, of Fishtail; daughter, Elana (Gordon) Swandal of Livingston; and son, Gregory (Terlene) Keller of Fishtail; grandchildren, Eric Blakely, Tara Blakely, Katie (Jason) Struthers, Jeffory (Laurie) Keller, Cody (Cameo) Keller, Ivory Keller and eight great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

WILLIAM "BILL" MATHERS

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF WILLIAM MATHERS ON JUNE 15, 2013 IN FARGO, NORTH DAKOTA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE WILLIAM MATHERS BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

William (Bill) Mathers was born September 29, 1923, in Mobeetie, Texas, to Violet (Rees) Mathers and George Benjamin Mathers. He was raised in Canadian, Texas, where he graduated from Canadian High School in 1940. He graduated from the New Mexico Military Institute in 1942 and attended the University Of Texas School Of Law. In January of 1943, he entered the U.S. Army. He served as a ball turret gunner on a B24 crew with the 737th Bomb Squadron in the 454th Bomber Group of the 15th Army Air Corps. He was honorably discharged in October in 1945.

Bill married Mary Charlotte Word on June 16, 1946. Following their marriage, they ranched in Canadian, Texas. In 1951, Bill and his family moved to Miles City, Montana where he and his brother Frank operated the Mathers Brothers Ranch, which later became the Mathers Land Company. In January 2012, he moved to the Touchmark retirement community in Fargo, North Dakota.

In 1960, he was elected to the Montana House of Representatives. He served in the House until 1964, when he was elected to the Senate. He served in the Senate until 1980, including being unanimously elected as President of the Senate in 1979. From 1981 to 1987, Bill served as Director of the Federal Reserve 9th District Board of Governors, Minneapolis. He served under both Paul Volker and Alan Greenspan. He was the first chairman of the lay advisory board of the Federal Reserve Board and chaired the audit committee for two years. From 1988 to 1993, he served as a member of the Montana Board Of Regents. He was Chairman of the Board of Regents from 1990 to 1993.

In 1994, Bill was the recipient of the Montana State University Blue and Gold Award for his widespread impact on agriculture. Bill was an ordained elder in the Presbyterian Church and a member of the Presbyterian Church of Miles City for more than 50 years. He was a founding member of the Miles City Town & Country Club and a member and president of the Miles City Club. If Bill were asked to name hobbies, he would say over the course of his life he enjoyed golfing, bridge, travel and piloting his private aircraft. His true joy came from time spent with his wife of 55 years and his family.

Bill is survived by his five daughters: Margartet Novak (Mike), Sharon Secor (Gary), Barbra Schmidt (Bob), Libby Gardner (Marshall), Mimi Meredith (Greg); 13 grandchildren and seven great-grandchildren; his brother Ben (Sandra) and his nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE

HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

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Debby Barrett
President of the Senate

_____
Austin Knudsen
Speaker of the House

_____
Jon Sesso
Senate Minority Leader

_____
Chuck Hunter
House Minority Leader

WILLIAM THOMAS "RED" MENAHAN

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF WILLIAM THOMAS "RED" MENAHAN ON JULY 26, 2014 IN BILLINGS, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE WILLIAM "RED" MENAHAN BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

"Red" Menahan, as he was widely known, was born in Anaconda and graduated from Anaconda High in 1954. As a boy, Red worked as a newsboy, selling papers to smeltermen on the streetcar during shift changes. After finishing high school, Red worked on the section for the Butte, Anaconda & Pacific Railway before attending Carroll College in Helena. During his time in Helena, Red clearly developed a love for politics and, more importantly, fell in love with Shirley Jackson, a Helena native. The couple married in the Cathedral of Saint Helena and had three children. Red graduated from Carroll College in 1963 with a Bachelor's degree in English and History.

Red was elected as a Democrat to the Montana House of Representatives in 1970, when he began a 30-year career, serving 15 terms. He was a champion for labor, public education and state employees. He was a strong advocate for the state hospitals at Galen and Warm Springs and the Montana State Prison. He worked on wildlife conservation and access issues. He served on many legislative committees, but was best known as the chair of the powerful Appropriations Subcommittee on Institutions.

After retiring from politics in 2000, Red's public service continued. He was a member and chair of the boards of trustees for Shodair Hospital in Helena as well as the Southwest Montana Area Agency on Aging and the Metcalf Senior Citizen's Center in Anaconda. He was a member of the Holy Family parish in Anaconda, the Sportsmen's Club and a life member of the Ancient Order of Hibernians. Red's sometimes acerbic and always entertaining wit was a well-known highlight of debates during his legislative years and was very much a part of his private life. Red had a talent for telling a story and shared the gift of laughter liberally. As his daughter, Kara, has said, "Being with Red was like being at a party. You just don't want the party to end."

Red is survived by his wife, Shirley Menahan of Helena and Anaconda; brother Ken (Cheryl) Menahan of Anaconda; sister Bonnie Jennings of Lewiston, Idaho; sons Patrick (Brenda) Menahan of Colstrip and Mike (Stacy Tureck) Menahan of Helena; daughter Kara (Cameron) Beul of Denver; eight grandchildren and two great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

LAWRENCE E. "LARRY" MENKE

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF LAWRENCE E. 'LARRY' MENKE ON APRIL 23, 2014 IN BILLINGS, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE LAWRENCE MENKE BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Larry was born September 16, 1926, on a farm near Brush, Colorado, to Charles and Leona Menke. He received his early education in Brush, graduating in 1944. After graduation, Larry enlisted in the U.S. Army and served in Europe with the 1262nd Military Police Company. He was honorably discharged as a corporal in 1946. Larry farmed for two years and then attended Adams State College in Alamosa, Colorado, graduating in 1952. He went to work for Shell Oil Co. shortly after graduation.

On February 14, 1953, Larry married Wanda Patras in Denver, and they were blessed with three children. During his 35-year career as a supervisor in oil and gas exploration and production, Larry and his family lived in Denver and Sterling, Colorado; Casper and Sheridan, Wyoming; Belle Fourche, South Dakota; Baker and Glendive. After his retirement in 1986, Larry was elected and served one term in the Montana House of Representatives representing Dawson County. Larry and Wanda moved to Billings in 1989.

Wanda passed away in 1996 and Larry married Georgina Sieler in 1997. During his life, Larry enjoyed family, travel, sports, hunting, fishing and politics. He was a voracious reader who always stayed abreast of current events. He was a wonderful husband, father, grandfather and great-grandfather who will be sorely missed.

Larry is survived by his brother, Robert Menke of Ardmore, Oklahoma; his wife, Georgina Menke of Billings; daughter, Rhonda Johnson of Wright, Wyoming; son Mark Menke (Deborah Parsons-Menke) of Helena; son John Menke (Melanie Dufour) of Homer, Alaska; stepdaughter, Betty Koch of Billings; 14 grandchildren; two great-grandchildren; and many extended friends and family.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

JOHN M. "SAM" ROSE

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF JOHN M. "SAM" ROSE ON JUNE 14, 2013 IN CHOTEAU, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE "SAM" ROSE BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Sam Rose was born October 12, 1929 in Choteau, Montana, the son of Martin and Elsie (Westaway) Rose. He was raised and educated in Choteau and was a proud graduate of Montana State College with a Bachelor's Degree in Zoology and Entomology. While in College he was active in student government and was President of the Alpha Gamma Rho Fraternity. He was married to Beverly Talbott on August 15, 1954 in Great Falls. He served in the US Air Force following his graduation.

He was a member of the Choteau United Methodist Church, the Choteau Chamber of Commerce, Stockgrowers Association, charter member and past President of the Choteau Jaycees and the Choteau American Legion. He was on the Board of Directors of the Montana Farm Bureau, Mountain West Insurance Company, Russell Country Tourism Board, BLM Advisory Council, Museum of the Rockies Regional Advisory Board, Montana State University Alumni Board, Teton County Planning Board, and Teton County Police Commission. He was past chairman of the Board of the Montana School for the Deaf and Blind Foundation, past chairman of the Old Trail Museum and the Teton County Republicans. Sam served in the House of Representatives in the 1993, 1995 and 1997 sessions. He received the Gene Donaldson Laureate Award recognizing leadership in the field of public education.

Sam enjoyed teaching and ranching, working with kids and coaching the local football, basketball and track teams, fishing and watching sports, especially the Bobcat football team. He also enjoyed politics and following his grandchildren's activities. Sam gave generously of himself to others, family, community and state.

He is survived by his wife, Beverly Rose, daughter Robin (Sam) Phares of Big Timber and son, Charles Rose and family of Billings; a brother, Don Rose of Cascade; grandchildren: John and Lauren Phares, both of Big Timber and numerous nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

BRUCE THORNTON SIMON

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF BRUCE THORNTON SIMON ON OCTOBER 12, 2014 IN BILLINGS, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE BRUCE SIMON BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Bruce Simon, husband, father, businessman, lawmaker, public servant, avid angler, friend to many, Montanan through and through, was born in Billings, Montana, on January 20, 1942. His life, more than anything else, was about giving back to his friends, to his family, to his community. His proud parents, Clark E. and Muriel (Thornton) Simon, expected a girl to go along with his older brother, Ronald. They sent a telegram that relayed the surprise to Bruce's grandparents that read, "We named Helen 'Bruce.'"

Bruce was raised and attended school in Billings. He attended Montana State University in Bozeman, earning two Bachelor degrees and a Master's degree. In 1961, Bruce and then-wife Colleen Cahill welcomed their son, Tod Thornton Simon. Three years later, in 1964, their daughter Rebecca Jill Simon was born.

Bruce served as President of the Montana Retail Association for two and a half years. His appointment to the Governor's Council on Management and his work on the Industry Council led him to run for public office. He won election to the Montana House of Representatives in 1984. During his seven sessions in the Legislature, Bruce became one of the most respected Representatives, earning a reputation as a fair, thorough and well-prepared lawmaker. He had a reputation as an outstanding and effective committee chairman. He served as a member of various committees, including Business and Labor and the Legislative Audit Committee. He was named State Official of the Year by the National Association of Home Builders in 1998 and the Montana Legislator of the Year by numerous groups, including the Montana Optometric Association and the Montana Building Industry Association. He is the only non-attorney to argue a case before the Montana Supreme Court.

Bruce met his wife Sharon on a ski vacation, and they were married for 42 years. Their son, David Dean Simon, was born in 1974. Bruce was a volunteer baseball and hockey coach and followed his sons and their athletic teams. Bruce loved the outdoors and his hobby was fishing on Montana's rivers and streams.

Bruce is survived by his wife, Sharon, sons Tod (Catherine), and Dave (Amy), daughter Becky (King), brother Ron (Myrna), cousin Tom Frisby (Kathy), nephews and nieces, grandchildren and great grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE

HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

_____
Debby Barrett
President of the Senate

_____
Austin Knudsen
Speaker of the House

_____
Jon Sesso
Senate Minority Leader

_____
Chuck Hunter
House Minority Leader

CHESTER SOLBERG

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF CHESTER SOLBERG ON MARCH 26, 2014 IN CHOTEAU, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE CHESTER SOLBERG BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Chester (Chet) Solberg was a Montana native and life-long resident, born on December 2, 1916, in Opheim, and grew up on the family homestead on the Richland Bench near the Canadian border northeast of there. He took up farming, worked additional agriculture jobs, and worked on the construction of the Fort Peck dam in the mid-1930s.

Chet served as two-term Mayor of the city of Scobey, was a member and council of Scobey Lutheran Church, became a 50-year honoree member of the Scobey Lions Club, a 69-year member of the Scobey Masonic Lodge, served on the Scobey Fire Department, Daniels County Fair Board, Daniels Memorial Hospital Board, Daniels Memorial Hospital Foundation, helped found the Daniels County Museum and served on its board. Chet was a director of the Montana Auto Dealers' Association and served as a Montana State Representative from Daniels County in the 1983 legislative session.

In 1938 Chet married Marjorie Miner, a country school teacher who boarded with the Solberg family. They continued to reside in the Opheim-Richland area and engaged in farming. They welcomed three children, Elaine, Faye and David, while living on the Richland Bench. In 1944, Chet and Marge purchased the International Harvester dealership in Scobey, and after moving to Scobey, added Ann and Loren to the family.

Chet was preceded in death by Marjorie, his wife of nearly 70 years. He is survived by son David (Sandra) of Billings, and their children Beca, Troy and Matthew; daughter Faye Bartley (Bill) of Normal, III., and their children Erin and Tim; daughter Ann Colebank of Choteau, and her sons Allen and Kevin; and son Loren of Choteau; as well as sister Shirley Aarthun Chase; granddaughter Margo Peck; and numerous great-grandchildren; nieces; nephews and cousins.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

WILBUR P. SPRING, JR.

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF WILBUR P. SPRING JR. ON AUGUST 29, 2013 IN BOZEMAN, MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE WILBUR SPRING JR. BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Wilbur Spring was born on January 6, 1921 four miles northeast of Belgrade on the farm that has been in his family for 111 years and where he lived for the first 75 years of his life. He was the son of Sophie (Vaught) and Wilbur P. Spring. At the age of 10, he knew what it was to hitch a single horse to a buggy to take himself and his two younger sisters 2 ½ miles to a rural school. Wilbur graduated from Belgrade High School in1939, where he was a charter member and the first president of the Belgrade Future Farmers of America chapter. He attended Montana State College for two years, majoring in general agriculture. He farmed with his father and following his father's accident in 1953, Wilbur took over management of the family farm. Over the years he turned swampy pasture land into a thriving hay and grain operation and bought the family farm from his parents in 1965.

Wilbur married Helen Sitzman, a nurse from Billings, on Thanksgiving Day in 1952, which was also his parents' 34th wedding anniversary. From this union, five children were born: Susan Jean, twins Barbara June and Beverly Jane, Thomas Wilbur and Robert Paul. Wilbur had a passion for statistics and loved analyzing all sorts of information, he also was a stickler for accuracy. At one time he had his granddaughter, Laura, write to the World Almanac to correct their mistaken assertion that the confluence of the Missouri River was in Madison County instead of Gallatin. He was very pleased with the next edition of the Almanac, as the change he had requested had been made.

Helen passed away on May 18, 1988. That November, Wilbur was elected to represent northeastern Gallatin County in the Montana House of Representatives. He served three terms from 1989 until 1994. During that time he met and married Jeanne Amsberry of Helena on her 71st birthday, July 17, 1992. Jeanne passed away less than five months later. In Wilbur's retirement years he spent many pleasant hours visiting and playing pinochle with his buddies at the Elks Club. His main form of exercising was dancing and, for a time, he was a member of the formal dance club with his friend and dance partner, Anita Iverson.

Wilbur is survived by his brother-in-law, Joe Taylor; his five children and their spouses, Susan (Chuck) Noble, Barbara (Kerry) Bickle, Beverly (Dick) Marlow, Tom (Kathleen) Spring, and Bob (Megan) Spring; 10 grandchildren and 12 great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR

FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

WESLEY W. STEARNS

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF WESLEY W. STEARNS ON JUNE 6, 2013.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE WESLEY STEARNS BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Wesley was born to Clara and Walter Stearns in Stacyville, Iowa, on October 7, 1914. He was the first of five children and moved to Montana with his family at the age of four. Wesley lived a long and happy life, working hard and staying active until his final weeks. He had strong beliefs and enjoyed discussing politics and other controversial topics. It was almost impossible to change Wesley's point of view, but the discussions were guaranteed to be lively and entertaining.

Wesley worked at many jobs throughout his career. Early in his life Wesley learned to operate a bulldozer and worked for the U.S. Forest Service in Libby. He went on to become a salesman for Mountain Tractor Co. in Missoula. Wesley liked to recall taking in horses in exchange for tractors. During the war he served in the Army and was stationed in Spokane.

In 1945, he married Ruth Lynch. They had no children, but raised Ruth's nieces, Billie Jo and Mary Ellen, as their own. They bought the Lynch ranch and spent many long, hard hours as ranchers. Wesley was president of the Western Montana Stockgrowers Association from 1958-59 and served in the Montana Legislature from 1961- 62. He was a Sanders County Commissioner from 1965-77. After retiring from ranching, Wesley spent time building his own home and working on many woodworking projects.

Wesley leaves behind companion and neighbor, Denise Booth; his brother George (Fran) Stearns; sister Pearl Huso and nieces, Billie Jo (Fred) Blanchard and Mary Ellen (Dwight) Correll and their families. He was preceded in death by his brother Oren and sister Jurine.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH

LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

EDMUND "NEIL" TAYLOR

***WHEREAS**, IT IS WITH DEEP, SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF EDMUND "NEIL" TAYLOR ON MAY 2, 1964 IN SCOBEY MONTANA.*

***WHEREAS**, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE EDMUND "NEIL" TAYLOR BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY, AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:*

Edmund "Neil" Taylor was born September 7, 1897 at Mount Moriah, Missouri. He was the third son of Charles Denver "CD" and Essie Louise (Schooler) Taylor. CD decided to explore the possibilities of claiming a homestead in Montana. In the spring of 1914 when Neil was 16, CD and his sons Neil and Reid traveled by train to northeastern Montana. They came as far as Culbertson on the train bringing only the bare necessities to establish a place to live, including a couple of milk cows and a team of horses. The remainder of the Taylor family stayed in Missouri until CD was ready to move them north.

During this time, CD and the boys filed a homestead claim on the western edge of the Fort Peck Indian Reservation. The two brothers and their dad began working to fulfill the requirements of the U.S. Government's "Homestead Act" to "stake their claim" on the land. While in Saskatchewan, to supplement the family income in winter, Neil and his brother kept busy using their many horses freighting for the Hudson's Bay Company. Neil recorded some of his favorite memories including the Reservation Roundup: "It was the spring of 1919 when I was privileged to ride on that big Indian horse roundup for the first time. It is hard to believe now, but at that time we would handle 20,000 to 40,000 horses during the roundup."

Neil married Florence Kennedy on June 26, 1923 in Saskatoon. The honeymoon was a train trip to Scobey, the county seat of Daniels County. In early 1925 Neil and Florence rented a place in the Line Coulee community. In 1925 their first daughter Margaret Louise (Taylor) Gebhardt was born and in 1927 their second daughter Florence "Fae" (Taylor) Phillips (a 2013 Montana Cowboy Hall of Fame & Western Heritage Center inductee) was born.

Neil believed in giving to his community. He was a member of many organizations such as the Montana Stock Grower's Association and the Farm Bureau. He helped organize the Big Muddy Hereford Association and the Scobey Saddle Club. In 1955 Neil began the Taylor Calf Chain in Daniels County. He gave away two heifer calves to 4-H members with the understanding they in turn would give their first heifer calf to another member. This chain ran for over 50 years.

In 1945 Neil ran for and was elected to the Montana Legislature. Neil served in the House for six sessions from 1945 to 1955. His House colleagues called him the "Iron Duke" for standing on his convictions that expenses be cut and the budget balanced. As a joke, they presented Neil with a meat cleaver to help him cut the budget.

Neil is survived by his wife Florence; two daughters, Margaret Louise Gebhardt, Roundup, Montana; Florence Fae Phillips, Lewistown, Montana, and 10 grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-FOURTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

Debby Barrett President of the Senate	Austin Knudsen Speaker of the House
Jon Sesso Senate Minority Leader	Chuck Hunter House Minority Leader

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SENATE JOURNAL
64TH LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 14, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 4/14/2015

Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-first through the sixty-fifth legislative days, find the same to be correct.

Correctly printed: **SR 33**, **SR 47**, **HB 430**.
Correctly engrossed: **HB 156**, **HB 423**, **HB 617**.
Correctly enrolled: **SB 57**, **SB 112**, **SB 123**, **SB 148**, **SB 149**, **SB 216**, **SB 230**, **SB 232**, **SB 235**, **SB 240**, **SB 253**, **SB 330**, **SB 336**, **SB 384**, **SR 7**, **SR 36**, **SR 38**, **SR 39**, **SR 43**, **SR 48**, **SR 51**, **SJ 13**, **SJ 14**.
Examined by the sponsor and found to be correct: **SB 34**, **SB 37**, **SB 57**, **SB 68**, **SB 112**, **SB 123**, **SB 126**, **SB 145**, **SB 148**, **SB 149**, **SB 168**, **SB 176**, **SB 181**, **SB 191**, **SB 213**, **SB 216**, **SB 220**, **SB 229**, **SB 230**, **SB 232**, **SB 235**, **SB 237**, **SB 240**, **SB 248**, **SB 253**, **SB 256**, **SB 270**, **SB 276**, **SB 281**, **SB 294**, **SB 298**, **SB 318**, **SB 330**, **SB 335**, **SB 347**, **SB 350**, **SB 356**, **SB 361**, **SB 368**, **SB 372**, **SB 376**, **SB 379**, **SB 384**, **SR 6**, **SR 7**, **SR 9**, **SJ 13**, **SJ 14**.
Transmitted to the House: **SJ 24**, **HB 337**, **HB 434**, **HB 525**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/14/2015
SR 50, be adopted. Report adopted.
SR 54, be adopted. Report adopted.
SR 55, be adopted. Report adopted.

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 4/13/2015
HB 423, be amended as follows:

1. Title, page 1, line 5.
Strike: "RAISING"
Insert: "REVISING"

2. Page 1, line 14.
Following: "~~(a)~~"
Insert: "(a)"

Strike: "subsection"
Insert: "subsections (1)(b) and"

3. Page 1, line 15.
Strike: "150%"
Insert: "130%"

4. Page 1, line 19.
Following: "~~budget.~~"
Insert: "(b) For an elementary or high school district with a maximum general fund budget of less than $1.5 million, a K-12 district with a maximum general fund budget of less than $3 million, or a school district that retained 150% of its maximum general fund budget in oil and natural gas production taxes in fiscal year 2015, the maximum amount of oil and natural gas production taxes that the school district may retain is 150% of the school district's maximum general fund budget."

5. Page 2, line 3.
Strike: "150%"
Insert: "130%"

6. Page 2, line 7.
Strike: "150%"
Insert: "130%"

7. Page 2, line 18.
Strike: "150%"
Insert: "130%"

8. Page 2, line 29.
Strike: "150%"
Insert: "130%"

9. Page 4, line 17.
Following: "(1)"
Insert: "(a)"
Strike: "subsection"
Insert: "subsections (1)(b) and"

10. Page 4, line 18.
Strike: "150%"
Insert: "130%"

11. Page 4, line 19.
Following: line 19
Insert: "(b) For an elementary or high school district with a maximum general fund budget of less

than $1.5 million, a K-12 district with a maximum general fund budget of less than $3 million, or a school district that retained 150% of its maximum general fund budget in oil and natural gas production taxes in fiscal year 2015, the maximum amount of oil and natural gas production taxes that the school district may retain is 150% of the school district's maximum general fund budget."

And, as amended, be concurred in. Report adopted.

HB 559, be concurred in. Report adopted.
HB 617, be amended as follows:

1. Title, page 1, line 9.
Strike: "AND AN APPLICABILITY DATE"

2. Page 8, line 15.
Strike: "**Mission -- purpose**"
Insert: "**Purpose**"

3. Page 8, line 15 through line 17.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

4. Page 8, line 21.
Following: "played."
Insert: "The state lottery may provide products sold only through an authorized lottery device at the location of a lottery ticket or chance sales agent licensed by the director."

5. Page 10, line 7.
Strike: "That"
Insert: "(a) Except as provided in subsection (4)(b), that"

6. Page 10, line 12.
Following: line 12
Insert: "(b) For fiscal year 2016, prior to any net revenue being transferred to the general fund from the enterprise fund, $400,000 of net revenue must be transferred from the enterprise fund to the Montana STEM scholarship special revenue account established in [section 4] for the purpose of distributing STEM scholarships pursuant to [sections 1 through 4] during the 2015-2016 school year."

7. Page 10, line 29.
Strike: "$800,000"
Insert: "$400,000"

8. Page 11, line 1.
Strike: "Montana" through "3]"

Insert: "lottery"

9. Page 11, line 9 through line 10.
Strike: section 17 in its entirety

And, as amended, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 4/14/2015
HB 219, be concurred in. Report adopted.
HB 612, be concurred in. Report adopted.
HB 627, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 4/8/2015
SR 5, be adopted. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

4/13/2015

SB 405, introduced by E. Buttrey

Senate amendments to House bill concurred in: 4/13/2015

HB 284, introduced by K. Dudik

Governor's amendments to **House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/13/2015

HB 145, introduced by M. Cuffe

MOTIONS

Majority Leader Rosendale moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 211**. Motion carried. President Barrett appointed:

4/14/2015

Senator D. Brown, Chair
Senator Driscoll
Senator Kary

Majority Leader Rosendale moved **HB 156**, **HB 305**, and **HB 463** be taken from the second reading board and referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Thomas moved second-reading consideration of **HB 576** be passed to the following day.

Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 56, introduced by E. Arntzen, referred to Highways and Transportation.
SR 57, introduced by F. Thomas, referred to Public Health, Welfare and Safety.
SR 58, introduced by F. Thomas, referred to Public Health, Welfare and Safety.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 29, introduced by K. Hansen, M. Blasdel, B. Hamlett, D. Howard, J. Keane, F. Moore, M. Phillips, M. Rosendale, C. Smith, J. Taylor, R. Webb, C. Wolken, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 479 - Senator Thomas moved **HB 479** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 472 - Senator Swandal moved **HB 472** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 614 - Senator C. Smith moved **HB 614** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 261 - **House Amendments** - Senator Hamlett moved House amendments to **SB 261** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Brenden, Fielder, Hinkle, Howard, Ripley, Sales, Smith, Vance.

Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 128 - **House Amendments** - Senator Hansen moved House amendments to **SB 128** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Brenden, Ripley, Sales, Sesso, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 169 - **House Amendments** - Senator Hamlett moved House amendments to **SB 169** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 249 - **House Amendments** - Senator Cohenour moved House amendments to **SB 249** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280 - **House Amendments** - Senator F. Moore moved House amendments to **SB 280** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 33

Nays: Caferro, Cohenour, Driscoll, Facey, Kaufmann, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 289 - **House Amendments** - Senator Ankney moved House amendments to **SB 289** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 32

Nays: Blasdel, Brenden, D. Brown, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 - **House Amendments** - Senator Keane moved House amendments to **SB 325** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 349 - **House Amendments** - Senator C. Smith moved House amendments to **SB 349** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 355 - **House Amendments** - Senator Ankney moved House amendments to **SB 355** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Fielder, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 367 - **House Amendments** - Senator Taylor moved House amendments to **SB 367** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Blasdel moved the Committee of

the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 41

Nays: Driscoll, Facey, Kaufmann, Malek, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 195, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 217, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane,

Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Driscoll, Facey, Kaufmann, Malek, Moe, Phillips, Pomnichowski, Whitford.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 43

Nays: D. Brown, Hinkle, Keenan, Moore, Sales, Webb, Ms. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 364, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moe, Moore, Phillips, Ripley, Rosendale, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Barrett Dick, Caferro, Kaufmann, Malek, McNally, Pomnichowski, Sales, Sesso, Vincent.
Total 9

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 371, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 39

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Malek, Moe, Sands, Whitford, Wolken.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 430 concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keenan, Larsen, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Stewart-Peregoy, Thomas, Tutvedt, Wolken.
Total 27

Nays: Arntzen, Blasdel, Brenden, D. Brown, Connell, Fielder, Hinkle, Howard, Keane, Malek, Moore, Rosendale, Sesso, Smith, Swandal, Taylor, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/14/2015
HB 11, be amended as follows:

1. Page 3, line 14.
Strike: "$194,531"
Insert: "$207,184"

2. Page 7, line 28.
Following: line 27
Insert: "(3) If Senate Bill No. 416 is passed and approved providing the opportunity for local governments who had submitted grant requests to the department of commerce within the last 2 years but did not receive approval by the legislature to resubmit their grant request, then grants numbered 25 through 27 in [section 1(2)] are stricken and legislative project approval is withdrawn."

And, as amended, be concurred in. Report adopted.

HB 89, be concurred in. Report adopted.
HB 115, be concurred in. Report adopted.
HB 123, be concurred in. Report adopted.
HB 322, be concurred in. Report adopted.
HB 389, be concurred in. Report adopted.
HB 483, be concurred in. Report adopted.
HB 487, be amended as follows:

1. Title, page 1, line 7.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 3.
Following: line 13
Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates June 30, 2025."

And, as amended, be concurred in. Report adopted.

HB 506, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 4/14/2015
SJ 26, do pass. Report adopted.
HB 114, be amended as follows:

1. Title, page 1, line 7.
Following: "~~ACCOUNTS;~~"
Insert: "PROVIDING A TRANSITION SECTION FOR A SCHOOL DISTRICT WITH AN EXISTING AGREEMENT WITH A LOCAL GOVERNMENT;"

2. Title, page 1, line 9.
Following: "AN"
Insert: "IMMEDIATE"

3. Title, page 1, line 10.
Strike: "AN"
Strike: "DATE"
Insert: "DATES"

4. Page 7, line 25.
Insert: "NEW SECTION. **Section 4. Transition -- existing agreements.** (1) A school district that has executed an agreement with a local government pursuant to 7-15-4291 on or before [the effective date of this act] shall prepare a transition plan.

(2)(a) The transition plan must be limited to paying contractual obligations that were incurred prior to [the effective date of this act] when the increment was anticipated as a funding source for the contract when the contract was executed. In order to qualify as an obligation, there must be a written signed contract meeting all elements of 28-2-102 between a school district and a third party. Evidence of a contract does not include the listing of a capital project on a list or plan that was created before [the effective date of this act].

(b)(i) If the obligation relates to paying bonded indebtedness, a district may utilize the remittance for the life of the bond issue.

(ii) If the obligation relates other contracts, a district may utilize the increment to pay for the contracted project until the end of the contract.

(3) For the purpose of subsection (2), a contract does not include the agreement with a local government pursuant to 7-15-4291.

(4) If a portion of the increment does not satisfy the conditions of subsection (2), it must be expended according to the provisions of [sections 1 through 3]."
Renumber: subsequent sections

5. Page 7, line 26.
Strike: "July 1, 2015"
Insert: "on passage and approval"

6. Page 7, line 28.
Following: "**Applicability**."
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"
Strike: "all"

7. Page 7, line 30.

Following: line 29
Insert: "(2) A school district that has executed an agreement with a local government pursuant to 7-15-4291 on or before [the effective date of this act] is subject to the provisions of [section 4]."

And, as amended, be concurred in. Report adopted.

HB 154, be concurred in. Report adopted.

MOTIONS

Majority Leader Rosendale moved to appoint a Conference Committee on **SB 261** and request the House to appoint a like committee. Motion carried. President Barrett appointed:

4/14/2015

Senator Hamlett, Chair
Senator L. Jones
Senator F. Moore

Majority Leader Rosendale moved **HB 612** be taken from the second reading board and referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Thomas requested the following joint proclamation be entered into the records of the Senate:

A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING EMILY JONES, 2015 PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNER

WHEREAS, *Emily Jones, a resident of Stevensville and a student at Ravalli Classical Academy, has achieved national recognition for exemplary volunteer service by receiving a 2015 Prudential Spirit of Community Award; and*

WHEREAS, *this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and*

WHEREAS, *Ms. Jones earned this award by giving generously of her time and energy to raise $1,500 to support Burmese refugee children living in an orphanage in Thailand by re-purposing feed bags into tote bags and selling them through her project, "Bags4Burma." Emily, who has been working with the pastor at her church to connect with the orphanage, went on a missionary trip to Thailand to visit the children who have benefitted from her service; and*

WHEREAS, *the success of the State of Montana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Emily Jones who use their considerable talents and resources to serve others.*

NOW THEREFORE, BE IT PROCLAIMED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA'S 64TH LEGISLATURE:

That this legislative body hereby congratulates and honors Ms. Emily Jones as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership and community spirit, and extends best wishes for her continued success and happiness.

Signed By:
Debby Barrett, President of the Senate
Austin Knudsen, Speaker of the House
Nancy Ballance, Representative, House District 87
Ed Greef, Representative, House District 88
Fred Thomas, Senator, Senate District 44

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Wednesday, April 15, 2015, the seventy-sixth legislative day. Motion carried.

Senate adjourned at 2:30 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 15, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Sesso excused. Quorum present.

BILLS AND JOURNALS: 4/15/2015
Correctly printed: **SR 5**, **SR 50**, **SR 54**, **SR 55**, **SR 56**, **SR 57**, **SR 58**, **SJ 26**, **SJ 29**, **HB 89**, **HB 115**, **HB 123**, **HB 154**, **HB 219**, **HB 322**, **HB 389**, **HB 472**, **HB 479**, **HB 483**, **HB 506**, **HB 559**, **HB 612**, **HB 614**, **HB 627**.
Correctly engrossed: **HB 11**, **HB 114**, **HB 140**, **HB 167**, **HB 300**, **HB 464**, **HB 487**, **HB 599**.
Correctly enrolled: **SB 195**, **SB 217**, **SB 307**, **SB 364**, **SB 371**.
Examined by the sponsor and found to be correct: **SB 336**, **SR 36**, **SR 38**, **SR 39**, **SR 43**, **SR 48**, **SR 51**.
Transmitted to the House: **HB 430**.
Signed by the Secretary of the Senate at 4:45 p.m., April 14, 2015: **SB 37**, **SB 68**, **SB 145**, **SB 168**, **SB 176**, **SB 220**, **SB 235**, **SB 237**, **SB 240**, **SB 256**, **SB 270**, **SB 281**, **SB 330**, **SB 356**, **SB 361**, **SB 372**.
Signed by the Secretary of the Senate at 10:45 a.m., April 15, 2015: **SB 34**, **SB 57**, **SB 112**, **SB 123**, **SB 126**, **SB 148**, **SB 181**, **SB 191**, **SB 213**, **SB 216**, **SB 229**, **SB 230**, **SB 232**, **SB 248**, **SB 253**, **SB 276**, **SB 294**, **SB 298**, **SB 318**, **SB 335**, **SB 347**, **SB 350**, **SB 368**, **SB 376**, **SB 379**, **SB 384**, **SJ 6**, **SJ 9**, **SJ 13**, **SJ 14**, **SR 7**.
Signed by the Secretary of the Senate at 10:50 a.m., April 15, 2015: **SB 149**.
Signed by the Secretary of the Senate at 3:40 p.m., April 15, 2015: **SB 336**, **SR 36**, **SR 38**, **SR 39**, **SR 43**, **SR 48**, **SR 51**.
Signed by the President at 8:20 a.m., April 15, 2015: **SB 37**, **SB 68**, **SB 145**, **SB 168**, **SB 220**, **SB 235**, **SB 237**, **SB 240**, **SB 256**, **SB 270**, **SB 281**, **SB 330**, **SB 356**, **SB 361**, **SB 372**.
Signed by the President at 9:00 a.m., April 15, 2015: **SB 176**.
Signed by the President at 3:30 p.m., April 15, 2015: **SB 149**, **SB 336**, **SR 36**, **SR 38**, **SR 39**, **SR 43**, **SR 48**, **SR 51**.
Signed by the President at 3:40 p.m., April 15, 2015: **SB 34**, **SB 57**, **SB 112**, **SB 123**, **SB 126**, **SB 148**, **SB 181**, **SB 191**, **SB 213**, **SB 216**, **SB 229**, **SB 230**, **SB 232**, **SB 248**, **SB 253**, **SB 276**, **SB 294**, **SB 298**, **SB 318**, **SB 335**, **SB 347**, **SB 350**, **SB 368**, **SB 376**, **SB 379**, **SB 384**, **SJ 6**, **SJ 9**, **SJ 13**, **SJ 14**, **SR 7**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 4/14/2015
SR 52, be adopted. Report adopted.

HB 629, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/15/2015
HB 223, be amended as follows:

1. Title, page 1, line 5.
Following: "SERVICE;"
Insert: "REQUIRING THE BOARD TO REPORT TO THE ECONOMIC AFFAIRS INTERIM COMMITTEE;"

2. Title, page 1, line 6.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

3. Page 1, line 18 through line 19.
Following: the first "FEES" on line 18
Strike: remainder of line 18 through "MONTANA" on line 19

4. Page 1, line 19.
Following: line 19
Insert: "(4) (a) The balance in the state special revenue fund may be no more than the total of the income generated by licensing fees plus an equivalent amount from income generated by the death certificate fees deposited under subsection (1).

(b) Any amount of income generated by the death certificate fees that is greater than the amount in subsection (4)(a) must be deposited in the state general fund upon certification by the department that additional funds are not needed for special circumstances as provided in 17-2-302(2)."

5. Page 1, line 20.
Following: line 19
Insert: "(5) In even-numbered calendar years, beginning in July 2016, the board shall report to the economic affairs interim committee the status of the special revenue account and fees charged as a funding source for the board."

6. Page 4, line 6.
Following: line 5
Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates June 30, 2017."

And, as amended, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): 4/14/2015
HB 464, be amended as follows:

1. Title, page 1, line 8.
Following: "ACCOUNT;"

Insert: "ESTABLISHING REPORTING REQUIREMENTS;"

2. Title, page 1, line 9.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 1.
Following: line 24
Insert: "(3) Prior to September 1 of each even-numbered year, the department of administration, in collaboration with the Montana university system, shall update the energy and telecommunications interim committee on the high-performance building program established in subsection (1). The report must include an overview of the state agencies and educational units participating in the program and an estimate of savings or actual savings in operations and maintenance resulting from participation in the program."

4. Page 1, line 29.
Following: "(1)(B)"
Insert: "75% of"

5. Page 2, line 11.
Following: "SUBFUND"
Insert: "75% of"

6. Page 3.
Following: line 30
Insert: "NEW SECTION. **Section 5. Termination.** [This act] terminates June 30, 2021."

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 4/14/2015
HB 356, be concurred in. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 4/15/2015
SJ 29, do pass. Report adopted.
HB 6, be amended as follows:

1. Title, page 1, line 8.
Strike: "PROVIDING A TRANSFER FROM THE GENERAL FUND;"
Strike: "IMMEDIATE"

2. Page 1, line 21.
Following: "~~and~~"
Insert: "and"

3. Page 1, line 22 through line 25.
Strike: ";" on line 22 through "PROJECT" on line 25

4. Page 1, line 27.
Strike: "$6,072,615"
Insert: "$4,172,615"

5. Page 10, line 3 through line 5.
Strike: section 6 in its entirety
Renumber: subsequent sections

6. Page 10, line 15 through line 16.
Strike: "ON PASSAGE AND APPROVAL"
Insert: "July 1, 2015"

And, as amended, be concurred in. Report adopted.

HB 7, be amended as follows:

1. Page 2, line 11 through line 12.
Strike: line 11 through line 12 in their entirety

And, as amended, be concurred in. Report adopted.

HB 9, be amended as follows:

1. Page 1, line 23.
Strike: "$385,132"
Insert: "$384,995"

2. Page 4, line 12.
Strike: line 12 in its entirety

3. Page 4.
Following: line 14
Insert: "1890 Original Montana Club $7,650"

And, as amended, be concurred in. Report adopted.

HB 468, be concurred in. Report adopted.
HB 488, be concurred in. Report adopted.
HB 512, be amended as follows:

1. Title, page 1, line 9.
Strike: "CONSTRUCTION"

Insert: "LEASING"

2. Page 1, line 21 through line 22.
Following: "laboratory"
Strike: remainder of line 21 through "County" on line 22
Insert: "shall establish a Yellowstone County branch"

3. Page 1, line 24.
Strike: "EACH BRANCH"
Insert: "the Yellowstone County branch, but priority is given to the relief of the backlogs of chemistry and toxicology statewide"

4. Page 1, line 26 through line 28.
Strike: section 2 in its entirety
Renumber: subsequent sections

5. Page 1, line 30 through page 2, line 4.
Following: "(1)" on line 30
Strike: remainder of line 30 through "the" on page 2, line 4
Insert: "The"

6. Page 2, line 4.
Strike: "$210,000"
Insert: "$310,000 of general fund one time only"

7. Page 2, line 5.
Following: "biennium"
Strike: "and" through "fund"
Insert: "for the Yellowstone County branch of the laboratory"

8. Page 2, line 6.
Strike: "$450,000"
Insert: "$1.2 million"
Following: "fund"
Insert: "one time only"

9. Page 2, line 11 through line 13.
Strike: section 4 in its entirety
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 560, be concurred in. Report adopted.
HB 577, be concurred in. Report adopted.
HB 612, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 4/14/2015
HB 140, be amended as follows:

1. Title, page 1, line 16 through line 17.
Strike: "INCREASING" on line 16 through "LICENSES;" on line 17

2. Title, page 1, line 18.
Following: the second "YOUTH;"
Insert: "REVISING DISTRIBUTION OF HUNTING LICENSE REVENUE FOR HUNTING ACCESS PROGRAMS;"

3. Title, page 1, line 21.
Strike: "AND"
Following: "87-6-405,"
Insert: "AND 87-6-921,"

4. Page 2, line 18.
Following: "~~87-2-805(1)(b)(ii)~~"
Insert: "87-2-514 and"

5. Page 2, line 27.
Following: "~~87-2-805(1)(b)(ii)~~"
Insert: "87-2-514 and"

6. Page 3, line 10.
Strike: "25%"
Insert: "28.5%"

7. Page 3, line 11.
Strike: "25%"
Insert: "28.5%"

8. Page 3, line 12.
Strike: "25%"
Insert: "28.5%"

9. Page 4, line 11.
Strike: "32(2)"
Insert: "33(2)"

10. Page 4, line 20.
Strike: "32(2)"
Insert: "33(2)"

11. Page 7, line 20.

Strike: "25%"
Insert: "28.5%"

12. Page 8, line 10.
Strike: "32(1)"
Insert: "33(1)"

13. Page 8, line 27.
Strike: "25%"
Insert: "28.5%"

14. Page 11.
Following: line 28
Insert: "(6) Of the fee paid for a hunting license purchased pursuant to subsection (2), 28.5% must be deposited in the account established in 87-1-290."

15. Page 15, line 5.
Strike: "32(1)"
Insert: "33(1)"

16. Page 16, line 3.
Strike: "32(2)"
Insert: "33(2)"

17. Page 16, line 11.
Strike: "67"
Insert: "62"

18. Page 16, line 12.
Strike: "67"
Insert: "62"

19. Page 16, line 16 through line 17.
Strike: "or who" on line 16 through "is issued" on line 17

20. Page 26.
Following: line 6
Insert: "Section 31. Section 87-6-921, MCA, is amended to read:
"87-6-921. Revocation of exception. If a person is convicted of a violation of the fish and game laws or regulations of Montana, the privilege conferred by 87-2-801 through 87-2-803 and [sections 32 and 33] must be revoked for not less than 6 months.""
Renumber: subsequent sections

21. Page 28, line 14.
Strike: "31 AND 32"

Insert: "32 and 33"

22. Page 28, line 15.
Strike: "31 AND 32"
Insert: "32 and 33"

23. Page 28, line 16.
Strike: "33"
Insert: "34"

24. Page 28, line 17.
Strike: "33"
Insert: "34"

And, as amended, be concurred in. Report adopted.

HB 167, be amended as follows:

1. Page 1.
Strike: line 21
Insert: "(2) an off-highway vehicle registered in an adjacent state of the United States if:
(a) that state does not require payment of a fee to use off-highway vehicles registered in Montana in that state; and
(b) the off-highway vehicle is temporarily used within this state for not more than 30 days; or"
Renumber: subsequent subsections

2. Page 1, line 26.
Strike: "An"
Insert: "Except as provided in 23-2-802, an"

And, as amended, be concurred in. Report adopted.

HB 300, be amended as follows:

1. Page 5, line 13.
Following: "title,"
Strike: "and"
Following: "ownership"
Insert: ", and snowmobile trail passes"

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 4/14/2015
SJ 27, do pass. Report adopted.
HB 599, be amended as follows:

1. Title, line 4.
Following: "OF"
Insert: "CERTAIN"

2. Title, line 5.
Following: "AND"
Insert: "CERTAIN"

3. Page 8, line 28.
Strike: "BUT"
Insert: "and a registered gross vehicle weight of"

4. Page 9, line 18.
Strike: "OR"
Insert: "described in subsection (2)(b),"

5. Page 9, line 19.
Strike: "BUT"
Insert: "and a registered gross vehicle weight of"
Strike: "described in subsection (2)(b)"
Insert: ","

6. Page 13, line 16.
Strike: "BUT"
Insert: "and a registered gross vehicle weight of"

7. Page 14, line 5.
Strike: "WITH" through "OF"
Insert: "with a registered gross vehicle weight of"

And, as amended, be concurred in. Report adopted.

HB 628, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 4/15/2015
HB 421, be concurred in. Report adopted.

Senator Sesso present at this time.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 138**
Report No. 001, April 14, 2015

Ms. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 138** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 138** (reference copy -- salmon) be amended as follows:

1. Page 2, line 6.
Strike: "WHO ACTS REASONABLY" through "WITH THIS SECTION"

2. Page 3, line 25 through line 26.
Strike: "THAT ACTS REASONABLY" on line 25 through "SECTION" on line 26

3. Page 4, line 6.
Strike: "WHO ACTS REASONABLY" through "WITH THIS SECTION"

For the Senate:	For the House:
Hoven, Chair	Berry, Vice Chair
Larsen	Fitzpatrick
Webb	Mehlhoff

Senator Hoven moved adoption of the committee report. Report adopted.

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 118**
Report No. 001, April 14, 2015

Ms. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 118** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 118** (reference copy -- salmon) be accepted by the House.

For the Senate:	For the House:
Buttrey, Chair	B. Bennett, Vice Chair
D. Brown	Berry
Facey	Lang

Senator Buttrey moved adoption of the committee report. Report adopted.

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 226**
Report No. 001, April 14, 2015

Ms. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 226** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 226** (reference copy -- salmon) be amended as follows:

1. Page 2, line 25.
Strike: "$650,000"
Insert: "$1 million"

2. Page 2, line 26.
Strike: "$650,000"
Insert: "$1 million"

3. Page 2, line 27.
Following: "~~$2 million~~"
Strike: "$650,000"
Insert: "$1 million"

4. Page 3, line 25.
Strike: "$650,000"
Insert: "$1 million"

5. Page 3, line 26.
Strike: "$650,000"
Insert: "$1 million"

6. Page 3, line 27.
Following: "~~$2 million~~"
Strike: "$650,000"
Insert: "$1 million"

For the Senate:	For the House:
Vincent, Chair	Richmond, Vice Chair
Brenden	Doane
Kaufmann	Steenberg

Senator Vincent moved adoption of the committee report. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/14/2015

SB 288, introduced by B. Tutvedt
SB 345, introduced by E. Arntzen

Senate bill not concurred in and returned to the Senate: 4/14/2015

SB 293, introduced by B. Hamlett

Senate amendments to House bills concurred in: 4/14/2015

HB 358, introduced by R. Lynch
HB 373, introduced by S. Staffanson
HB 379, introduced by G. Hertz
HB 448, introduced by K. Wagoner
HB 450, introduced by K. Wagoner
HB 491, introduced by S. Lavin
HB 503, introduced by T. Berry
HB 516, introduced by M. MacDonald
HB 523, introduced by S. Berglee
HB 533, introduced by K. Wagoner
HB 538, introduced by M. Miller
HB 542, introduced by G. Hertz
HB 550, introduced by K. Swanson
HB 553, introduced by M. Noland
HB 554, introduced by G. Pierson

Governor's amendments to **House bills** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/14/2015

HB 33, introduced by R. Ehli
HB 34, introduced by R. Ehli

MOTIONS

Majority Leader Rosendale moved the Conference Committee on **SB 261** be dissolved and that a **Free** Conference Committee be appointed. Motion carried. President Barrett appointed:

4/15/2015

Senator Hamlett, Chair
Senator F. Moore
Senator Vincent

Majority Leader Rosendale moved **HB 423**, **HB 559**, and **HB 617** be taken from the second reading board and referred to the Finance and Claims Committee. Without objection, so ordered.

Senator D. Brown moved the Senate reconsider second-reading action of April 11, 2015, on **HB 562**. The President clarified reconsideration requires a 2/3 vote since the bill missed a deadline. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 26

Nays: Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Fielder moved that **HB 444** be taken from Judiciary and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hansen, Hinkle, Hoven, Ripley, Swandal, Taylor, Thomas, Tutvedt, Webb, Ms. President.
Total 15

Nays: Ankney, Arntzen, Barrett Dick, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 35

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 576 - Senator Thomas moved **HB 576** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Caferro, Fielder, Hansen, Hinkle, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 21

Nays: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 576 - Majority Leader Rosendale moved **HB 576** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 35

Nays: Arntzen, Blasdel, Caferro, Fielder, Hamlett, Hansen, Hinkle, Hoven, Kary, Rosendale, Smith, Taylor, Thomas, Webb, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 188 - **Governor's Amendments** - Senator Vincent moved Governor's amendments to **SB 188** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 93 - **House Amendments** - Senator Connell moved House amendments to **SB 93** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Keane, Keenan, Larsen, Malek, Moore, Pomnichowski, Ripley, Rosendale, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Windy Boy, Ms. President.
Total 30

Nays: Barrett Dick, Blasdel, Brenden, Cohenour, Facey, Hinkle, Kary, Kaufmann, McNally, Moe, Phillips, Sales, Sands, Smith, Taylor, Vance, Vincent, Webb, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 192 - **House Amendments** - Senator Driscoll moved House amendments to **SB 192** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Larsen, Malek,

McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Blasdel, D. Brown, Fielder, Hansen, Jones, Keenan, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 258 - **House Amendments** - Senator Hoven moved House amendments to **SB 258** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 389 - **House Amendments** - Senator Hamlett moved House amendments to **SB 389** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 44

Nays: Cohenour, Facey, Kaufmann, Moe, Pomnichowski, Wolken.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 145 - **Governor's Amendments** - Senator Hamlett moved Governor's amendments to **HB 145** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Fielder, Hoven, Kary, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Kary.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 128, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Brenden, Ripley.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 169, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 249, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane,

Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Blasdel, D. Brown, Hinkle, Keenan, Sales, Smith, Vance, Webb.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 289, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 20

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 325, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Ripley, Rosendale, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Windy Boy, Ms. President.
Total 33

Nays: Barrett Dick, T. Brown, Cohenour, Driscoll, Facey, Kaufmann, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Stewart-Peregoy, Webb, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 349, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 355, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 367, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 472 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 479 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 614 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 32 - Senator T. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 32**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 40 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 40**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Keenan, Taylor.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 41 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 41**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 29 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 29**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 35 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 35**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Blasdel, Fielder, Hinkle, Kary, Keenan, Sales, Smith, Swandal, Taylor, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SR 37 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 37**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 42 - Senator Arntzen moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 42**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 49 - Senator Thomas moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 49**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 33 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 33**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 47 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 47**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senators Sharon Stewart-Peregoy and Cliff Larsen made their farewell remarks to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, April 16, 2015, the seventy-seventh legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 16, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 4/16/2015
Correctly printed: **SR 52**, **SJ 27**, **SJ 29**, **HB 356**, **HB 421**, **HB 468**, **HB 488**, **HB 560**, **HB 577**, **HB 612**, **HB 628**, **HB 629**.
Correctly engrossed: **SJ 25**, **HB 6**, **HB 7**, **HB 9**, **HB 219**, **HB 223**, **HB 512**.
Correctly enrolled: **SB 54**, **SB 66**, **SB 128**, **SB 160**, **SB 169**, **SB 249**, **SB 280**, **SB 288**, **SB 289**, **SB 325**, **SB 345**, **SB 349**, **SB 355**, **SB 367**, **SR 29**, **SR 32**, **SR 33**, **SR 35**, **SR 37**, **SR 40**, **SR 41**, **SR 42**, **SR 47**, **SR 49**.
Transmitted to the House: **HB 472**, **HB 479**, **HB 614**.
Signed by the Speaker at 9:00 a.m., April 16, 2015: **SB 37**, **SB 68**, **SB 145**, **SB 168**, **SB 220**, **SB 235**, **SB 237**, **SB 240**, **SB 256**, **SB 270**, **SB 281**, **SB 330**, **SB 356**, **SB 361**, **SB 372**.
Signed by the Speaker at 3:30 p.m., April 16, 2015: **SB 34**, **SB 57**, **SB 112**, **SB 123**, **SB 126**, **SB 148**, **SB 149**, **SB 181**, **SB 191**, **SB 213**, **SB 216**, **SB 229**, **SB 230**, **SB 232**, **SB 248**, **SB 253**, **SB 276**, **SB 294**, **SB 298**, **SB 318**, **SB 335**, **SB 336**, **SB 347**, **SB 350**, **SB 368**, **SB 376**, **SB 379**, **SB 384**, **SJ 6**, **SJ 9**, **SJ 13**, **SJ 14**.
Delivered to the Secretary of State at 10:43 a.m., April 16, 2015: **SR 7**, **SR 36**, **SR 38**, **SR 39**, **SR 43**, **SR 48**, **SR 51**.
Delivered to the Governor at 11:45 a.m., April 16, 2015: **SB 37**, **SB 68**, **SB 145**, **SB 168**, **SB 220**, **SB 235**, **SB 237**, **SB 240**, **SB 256**, **SB 270**, **SB 281**, **SB 330**, **SB 356**, **SB 361**, **SB 372**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 4/15/2015
SJ 28, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 4/15/2015
HB 496, be concurred in. Report adopted.
HB 510, be concurred in. Report adopted.
HB 590, be concurred in. Report adopted.
HJ 13, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 4/15/2015
SJ 25, introduced joint resolution, be amended as follows:

1. Page 2, line 18.
Insert: "BE IT FURTHER RESOLVED, that if both House Bill No. 614 and this resolution are passed and approved, then this resolution is void."

And, as amended, do pass. Report adopted.

SR 57, be adopted. Report adopted.
SR 58, preliminary report, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 385**
Report No. 001, April 15, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 385** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 385** (reference copy -- salmon) be amended as follows:

1. Page 1, line 30.
Strike: "oral or"

2. Page 2, line 27 through line 30.
Strike: "," on line 27 through "emancipated" on line 30

3. Page 3, line 1.
Following: "with the"
Insert: "written"

4. Page 4, line 26 through line 29.
Strike: ", including a" on page 26 through "emancipated" on line 29

5. Page 4, line 30.
Following: "with the"
Insert: "written"

For the Senate:

Webb, Chair
Kary
Larsen

For the House:

Fiscus, Vice Chair
Lavin
B. Smith

MESSAGES FROM THE GOVERNOR

April 15, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Wednesday, April 15, 2015, I signed the following bills:

Senate Bill 101 - R. Driscoll
Senate Bill 255 - T. Brown

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/15/2015

SB 54, introduced by Dick Barrett
SB 66, introduced by D. Sands
SB 160, introduced by D. Ankney

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
4/15/2015

SB 91, introduced by F. Thomas
SB 353, introduced by R. Ripley

SB 334, introduced by J. Fielder
This amended bill is being returned after the deadline for General Bills and requires 2/3 vote of the Senate to consider the bill.

Senate amendments to House bills concurred in: 4/15/2015

HB 60, introduced by W. Curdy
HB 119, introduced by T. Berry

HB 244, introduced by J. Essmann
HB 374, introduced by E. McClafferty

SB 261 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 261:**

4/15/2015

Representative Lang, Vice Chair
Representative Lynch
Representative Shaw

HB 2 - The House failed to concur in Senate amendments to **HB 2,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 2:**

4/15/2015

Representative Ballance, Vice Chair
Representative Noonan
Representative Osmundson

MOTIONS

Majority Leader Rosendale moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee on **HB 2**. Motion carried. President Barrett appointed:

4/16/2015

Senator L. Jones, Chair
Senator Keane
Senator Keenan

Senator Fielder moved the Senate suspend the rules to allow for the late acceptance of **SB 334** and that **SB 334** be scheduled for second reading. The bill missed the deadline for transmittal of amendments to general bills and therefore requires a 2/3 vote of the Senate to proceed. The motion **failed** as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 30, introduced by J. Taylor, J. Pomnichowski, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ripley in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 11 - Senator Keenan moved **HB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Ripley.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 89 - Senator Moe moved **HB 89** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Brenden, Hinkle, Howard, Kary, Rosendale, Sales, Smith, Vance, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 115 - Senator Caferro moved **HB 115** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 123 - Senator Facey moved **HB 123** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 322 - Senator Hansen moved **HB 322** be concurred in. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 27

Nays: Ankney, Barrett Dick, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 389 - Senator Tutvedt moved **HB 389** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: T. Brown, Caferro, Cohenour, Howard, Keane, Phillips, Pomnichowski, Sesso, Swandal.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 219 - Senator Hinkle moved **HB 219** be concurred in.

HB 219 - Senator Hinkle moved **HB 219**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "RESIDE"
Strike: ","
Insert: "OR"
Following: "WORK"

Strike: ", OR TRAVEL"

2. Title, page 1, line 6.
Following: "PENALTY;"
Insert: "PROVIDING RULEMAKING AUTHORITY;"

3. Page 2, line 11.
Following: line 11
Insert: " (4) This section does not apply to offenders who are placed in a facility in operation by the department of corrections, the department of public health and human services, or a contractor with either department before October 1, 2015. The department of corrections and the department of public health and human services shall adopt rules specifying the type of facility to which this section applies.

(5) The department of corrections and the department of public health and human services may also exempt from the requirements of this section offenders who are placed in a facility to be operated by either department or a contractor with either department beginning on or after October 1, 2015. The department of corrections and the department of public health and human services shall adopt rules specifying facilities to which this subsection applies. As part of the process of granting an exemption to a facility constructed or designated after October 1, 2015, the department of corrections and the department of public health and human services shall hold at least one public hearing in the community where the facility is to be located."
Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Fielder, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 219 - As amended, **HB 219** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour,

Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Caferro, Kaufmann, Pomnichowski.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 627 - Majority Leader Rosendale moved consideration of **HB 627** be passed for the day. Without objection, so ordered.

HB 114 - Senator Dick Barrett moved **HB 114** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Cohenour, Hoven, Malek.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 154 - Senator Tutvedt moved **HB 154** be concurred in.

HB 154 - Senator Dick Barrett moved **HB 154**, second reading copy, be amended as follows:

1. Title, page 1, line 8.
Following: "~~15-30-2302,~~"
Insert: "15-30-2301,"

2. Title, page 1, line 9.

Following: "~~15-30-2341,~~"
Insert: "15-30-2337, 15-30-2338, 15-30-2339, 15-30-2340, 15-30-2341,"

3. Page 1, line 23.
Following: line 22
Insert: "(c) the elderly homeowner and renter tax credit provided for in 15-30-2337 through 15-30-2341;"
Renumber: subsequent subsections

4. Page 2, line 2.
Following: line 1
Insert: "(c) the capital gains credit provided for in 15-30-2301;"
Renumber: subsequent subsections

5. Page 5, line 2.
Insert: "Section 3. Section 15-30-2301, MCA, is amended to read:

"15-30-2301. Capital gains credit. (1) An individual taxpayer is allowed a credit against the taxes imposed by 15-30-2103 in an amount equal to ~~1% of the taxpayer's net capital gains for tax years 2005 and 2006 and~~ 2% of the taxpayer's net capital gains ~~for tax years beginning after 2006~~, as shown on the taxpayer's individual income tax return filed pursuant to 15-30-2602. The credit allowed under this section may not exceed the taxpayer's income tax liability.

(2) This tax credit is subject to termination on December 31, 2019, and every 8 years thereafter as provided in [section 1].""
Renumber: subsequent sections

6. Page 12, line 12.
Insert: "Section 8. Section 15-30-2337, MCA, is amended to read:

"15-30-2337. Residential property tax credit for elderly -- definitions. (1) As used in 15-30-2337 through 15-30-2341, the following definitions apply:

~~(1)~~(a) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.

~~(2)~~(b) "Claimant" means a person who is eligible to file a claim under 15-30-2338.

~~(3)~~(c) "Department" means the department of revenue.

~~(4)~~(d) "Gross household income" means all income received by all individuals of a household while they are members of the household.

~~(5)~~(e) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.

~~(6)~~(f) "Homestead" means:

~~(a)~~(i) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or

~~(b)~~(ii) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.

~~(7)~~(g) ~~(a)~~(i) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.

~~(b)~~(ii) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

~~(8)~~(h) "Household income" means the amount obtained by subtracting $6,300 from gross household income.

~~(9)~~(i) ~~(a)~~(i) "Income" means, except as provided in subsection ~~(9)(b)~~ (1)(i)(ii), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:

~~(i)~~(A) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;

~~(ii)~~(B) the amount of capital gains excluded from adjusted gross income;

~~(iii)~~(C) alimony;

~~(iv)~~(D) support money;

~~(v)~~(E) nontaxable strike benefits;

~~(vi)~~(F) cash public assistance and relief;

~~(vii)~~(G) interest on federal, state, county, and municipal bonds; and

~~(viii)~~(H) all payments received under federal social security except social security income paid directly to a nursing home.

~~(b)~~(ii) For the purposes of this subsection ~~(9)~~ (1)(i), income is reduced by the taxpayer's basis.

~~(10)~~(j) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.

~~(11)~~(k) "Rent-equivalent tax paid" means 15% of the gross rent.

(2) This tax credit is subject to termination on December 31, 2017, and every 8 years thereafter as provided in [section 1]."

Insert: "Section 9. Section 15-30-2338, MCA, is amended to read:

"15-30-2338. Residential property tax credit for elderly -- eligibility -- disallowance or adjustment. (1) In order to be eligible to make a claim under 15-30-2337 through 15-30-2341, an individual:

(a) must have reached age 62 or older during the claim period for which relief is sought;

(b) must have resided in Montana for at least 9 months of that period;

(c) must have occupied one or more dwellings in Montana as an owner, renter, or lessee for at least 6 months of the claim period; and

(d) must have less than $45,000 of gross household income.

(2) A person is not disqualified as a claimant if the person changes residences during the claim period, provided that the person occupies one or more dwellings in Montana as an owner, renter, or lessee for at least 6 months during the claim period.

(3) A claim is disallowed if the department finds that the claimant received title to the claimant's homestead primarily for the purpose of receiving benefits under 15-30-2337 through 15-30-2341.

(4) When the landlord and tenant have not dealt at arm's length and the department judges the gross rent charged to be excessive, the department may adjust the gross rent to a reasonable amount.

(5) This tax credit is subject to termination on December 31, 2017, and every 8 years

thereafter as provided in [section 1]."""

Insert: "Section 10. Section 15-30-2339, MCA, is amended to read:

"15-30-2339. Residential property tax credit for elderly -- filing date. (1) Except as provided in subsection (3), a claim for relief must be submitted at the same time the claimant's individual income tax return is due. For an individual not required to file a tax return, the claim must be submitted on or before April 15 of the year following the year for which relief is sought.

(2) A receipt showing property tax billed or a receipt showing gross rent paid, whichever is appropriate, must be filed with each claim. In addition, each claimant shall, at the request of the department, supply all additional information necessary to support a claim.

(3) The department may grant a reasonable extension for filing a claim whenever, in its judgment, good cause exists.

(4) In the event that an individual who would have a claim under 15-30-2337 through 15-30-2341 dies before filing the claim, the personal representative of the estate of the decedent may file the claim.

(5) The department or an individual may revise a return and make a claim under 15-30-2337 through 15-30-2341 within 5 years from the last day prescribed for filing a claim for relief.

(6) This tax credit is subject to termination on December 31, 2017, and every 8 years thereafter as provided in [section 1]."""

Insert: "Section 11. Section 15-30-2340, MCA, is amended to read:

"15-30-2340. Residential property tax credit for elderly -- computation of relief. (1) The amount of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:

~~(1)~~(a) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection ~~(4)~~ (1)(d).

~~(2)~~(b) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection ~~(4)~~ (1)(d).

~~(3)~~(c) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:

~~(a)~~(i) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection ~~(4)~~ (1)(d); plus

~~(b)~~(ii) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection ~~(4)~~ (1)(d).

~~(4)~~(d) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

Household income	Amount of reduction
$0 - $999	$0
$1,000 - $1,999	$0
$2,000 - $2,999	the product of .006 times the household income
$3,000 - $3,999	the product of .016 times the household income
$4,000 - $4,999	the product of .024 times the household income
$5,000 - $5,999	the product of .028 times the household income
$6,000 - $6,999	the product of .032 times the household income
$7,000 - $7,999	the product of .035 times the household income

$8,000 - $8,999	the product of .039 times the household income
$9,000 - $9,999	the product of .042 times the household income
$10,000 - $10,999	the product of .045 times the household income
$11,000 - $11,999	the product of .048 times the household income
$12,000 & over	the product of .050 times the household income

~~(5)~~(e) For a claimant whose household income is $35,000 or more but less than $45,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

Gross household income	Percentage of credit allowed
$35,000 - $37,500	40%
$37,501 - $40,000	30%
$40,001 - $42,500	20%
$42,501 - $44,999	10%
$45,000 or more	0%

~~(6)~~(f) The credit granted may not exceed $1,000.

~~(7)~~(g) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter.

(2) This tax credit is subject to termination on December 31, 2017, and every 8 years thereafter as provided in [section 1]."

Insert: "Section 12. Section 15-30-2341, MCA, is amended to read:

"15-30-2341. Residential property tax credit for elderly -- limitations -- denial of claim. (1) Only one claimant per household in a claim period under the provisions of 15-30-2337 through 15-30-2341 is entitled to relief.

(2) Except as provided in subsection (3), a claim for relief may not be allowed for any portion of property taxes billed or rent-equivalent taxes paid that is derived from a public rent or tax subsidy program.

(3) Except for dwellings rented from a county or municipal housing authority, a claim for relief may not be allowed on rented lands or rented dwellings that are not subject to Montana property taxes during the claim period.

(4) A person filing a false or fraudulent claim under the provisions of 15-30-2337 through 15-30-2341 must be charged with the offense of unsworn falsification to authorities pursuant to 45-7-203. If a false or fraudulent claim has been paid, the amount paid may be recovered as any other debt owed to the state. An additional 10% may be added to the amount due as a penalty. The unpaid debt must bear interest from the date of the original payment of claim until paid, at the rate of 1% per month.

(5) This tax credit is subject to termination on December 31, 2017, and every 8 years thereafter as provided in [section 1]."

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Barrett Dick, T. Brown, Caferro, Cohenour, Facey, Hamlett, Kaufmann, Keane, Larsen,

Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Driscoll, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 154 - Thereupon, the Senate reverted to the original motion of Senator Tutvedt which passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Ripley moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Barrett Dick, Cohenour, Kaufmann, Keane, Malek, Moe, Phillips, Sesso, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 93, **as amended by the House**, passed as follows:

Yeas: Ankney, T. Brown, Buttrey, Caferro, Connell, Driscoll, Hamlett, Hansen, Hoven, Howard, Jones, Keane, Larsen, McNally, Moore, Ripley, Rosendale, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Windy Boy, Wolken, Ms. President.
Total 26

Nays: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Cohenour, Facey, Fielder, Hinkle, Kary, Kaufmann, Keenan, Malek, Moe, Phillips, Pomnichowski, Sales, Sands, Smith, Taylor, Vance, Vincent, Webb, Whitford.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 188, **as amended by the Governor**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 192, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Blasdel, Fielder, Hansen, Kary, Keenan, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 258, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 145, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane,

Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Fielder, Howard, Kary, Keenan, Rosendale, Smith, Vance, Webb.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/16/2015
HB 10, be amended as follows:

1. Title, page 1, line 11.
Following: "ADMINISTRATION,"
Insert: "THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES,"

2. Page 2, line 30.
Following: line 29
Insert: "Enterprise Electronic Content Management
1,500,000 [LRITP] 1,500,000 [Total]
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
Enhanced Federal Financial Participation and A-87 Cost Allocation Waiver
3,000,000 [LRITP] 27,000,000 [Federal] 30,000,000 [Total]"

3. Page 3, line 6.
Strike: "$7.3"
Insert: "$11.8"

4. Page 3, line 19.
Following: line 18
Insert: "NEW SECTION. **Section 5. Direction to department of administration -- state data center.** The department of administration is directed to:
(1) encourage all state agencies to transition to the state data center unless there is a documented financial or security reason that justifies why the agency should not use the state data center;
(2) leverage the state data center for local governments, school districts, and the university system to use; and
(3) market the use of the state data center to other states or third parties if excess

capacity exists."

Insert: "NEW SECTION. **Section 6. Statewide networks efficiencies.** The department of administration is directed to leverage federal funds and other resources to the maximum extent possible to assist with infrastructure obligations associated with federal and other programs."

Insert: "NEW SECTION. **Section 7. Appropriation -- third-party audit requirement for medicaid management information systems replacement.** (1) The department of public health and human services is appropriated $7,500 in general fund and $67,500 in federal funds for the purpose of securing an independent audit as set forth in subsection (2).

(2) The department of public health and human services shall retain its current independent verification and validation vendor to audit, review, and issue a report regarding the medicaid management information systems replacement contract vendor's activities related to contract 12-12-1-01-001-1. At a minimum, the audit and report by the current independent verification and validation vendor must:

(a) analyze the ability of the replacement contract vendor to complete and comply with all contractual requirements, terms, and conditions, in particular, by the May 2017 implementation date pursuant to amendment number 5 to the contract; and

(b) review projects in other states where the replacement contract vendor has implemented or is in the process of implementing a medicaid management information system to understand and extrapolate the experiences, impacts, costs, and delays of those states and analyze the potential for the same issues occurring with the Montana systems replacement in the future.

(3) The outcomes and recommendations from the current independent verification and validation vendor must be reported to the legislative finance committee no later than July 1, 2015."

Insert: "NEW SECTION. **Section 8. Fiscal agent services for current legacy medicaid management information systems.** In the event of nonperformance or breach of contract 12-12-1-01-
001-1 by the medicaid management information systems replacement contract vendor or of adverse audit recommendations by the independent verification and validation vendor regarding the inability of the replacement contract vendor to fulfill all contractual requirements, terms, and conditions of the contract by the May 2017 implementation date, the department of public health and human services is authorized to request a bid for a new fiscal agent for the current legacy medicaid management information system. The department may not accept any bids from the medicaid management information systems replacement contract vendor unless and until the department has reached an agreement with the contract vendor on any pending or threatened legal action."

Insert: "NEW SECTION. **Section 9. Authorization for department of public health and human services to terminate medicaid management information systems replacement contract.** (1) In the event of nonperformance or breach of contract 12-12-1-01-001-1 by the medicaid management information systems replacement contract vendor or of adverse audit recommendations by the independent verification and validation vendor regarding the inability of the replacement contract vendor to fulfill all contractual requirements, terms, and conditions of the contract by the May 2017 implementation date, the department of public health and human services is authorized to terminate contract 12-12-1-01-001-1 and to procure

medicaid management information system services consistent with the direction and approval of the centers for medicare and medicaid services.

(2) If the department elects to terminate the contract, it is directed to take all legal action necessary to recover previously appropriated funds and any other damages caused by or related to the replacement contract vendor's inability to timely comply with its contractual obligations."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 156, be concurred in. Report adopted.

HB 228, be amended as follows:

1. Title, page 1, line 6.
Strike: "2019"
Insert: "2017"

2. Page 2, line 5.
Following: "~~2.9%~~"
Insert: "through June 30, 2017, and beginning July 1, 2017, the amount of 2.9%"

3. Page 4, line 8.
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If both House Bill No. 2 and [this act] are passed and approved, and if House Bill No. 2 appropriates an amount equal to or greater than $3,514,423 for the fiscal year beginning July 1, 2015, or July 1, 2016, or the biennium ending June 30, 2017, to the coal board for the purposes provided for in 90-6-1001(2), then [this act] is void."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 245, be amended as follows:

1. Title, line 9.
Following: "ISSUES;"
Insert: "REQUIRING A REPORT TO AN INTERIM COMMITTEE;"

2. Page 1, line 17.
Strike: "4"
Insert: "5"

3. Page 1, line 18.
Strike: "4"
Insert: "5"

4. Page 1, line 17.
Strike: "4"
Insert: "5"

5. Page 4, line 21.
Following: line 20
Insert: "NEW SECTION. **Section 5. Report to interim committee -- recommendations.** (1) In accordance with 5-11-210, the department shall provide a report to the economic affairs interim committee provided for in 5-5-223.

(2) The report must include an overview of the implementation of the small herd exemption permit and herd sharing provisions as established in [sections 1 through 5]. The report must also include an analysis of the revenue collected for issuance and renewal of small herd exemption permits and the cost of implementing the small herd exemption permit and herd sharing provisions of [sections 1 through 5]."

6. Page 8, line 6.
Strike: "up to"
Strike: "$75"
Insert: "commensurate with the costs incurred by the department"

7. Page 16, line 23.
Strike: "4"
Insert: "5"

8. Page 16, line 25.
Strike: "4"
Insert: "5"

And, as amended, be concurred in. Report adopted.

HB 423, be concurred in. Report adopted.
HB 559, be concurred in. Report adopted.
HB 617, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 261**
Report No. 001, April 16, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 261** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 261** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9.
Following: "REPORTING;"
Insert: "PROVIDING A CONTINGENT FUND TRANSFER AND APPROPRIATION;"

2. Page 10.
Following: line 7
Insert: "COORDINATION SECTION. **Section 18. Coordination instruction.** If both House Bill No. 2 and [this act] are passed and approved, then:

(1) [sections 14 and 15 of this act] are void;

(2) the general fund appropriation to the department of natural resources and conservation for the sage grouse conservation fund contained in House Bill No. 2 is void;

(3) for the biennium beginning July 1, 2015, $10 million is transferred from the general fund to the sage grouse stewardship account established in [section 7 of this act]; and

(4) for the biennium beginning July 1, 2015, $10 million is appropriated from the sage grouse stewardship account established in [section 7 of this act] to the department of natural resources and conservation for the purposes of [this act]. If the United States fish and wildlife service lists the greater sage-grouse (Centrocercus urophasianus) as endangered under the Endangered Species Act, 16 U.S.C. 1531, et seq., any unencumbered portion of the appropriation made pursuant to this subsection (4) must revert to the general fund."
Renumber: subsequent section

For the Senate:	For the House:
Hamlett, Chair	Lang, Vice Chair
F. Moore	Lynch
Vincent	Shaw

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 211**
Report No. 001, April 16, 2015

Ms. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 211** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 211** (reference copy -- salmon) be amended as follows:

1. Page 1, line 28.
Strike: "STATE"
Insert: "national"

For the Senate: For the House:

D. Brown, Chair
Driscoll
Kary
Wagoner, Vice Chair
Miller
Person

MOTIONS

Senator Rosendale moved **HB 140**, **HB 167**, **HB 223**, **HB 300**, **HB 421**, **HB 510**, **HB 599**, and **HB 628** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senators Taylor Brown and Brad Hamlett made their farewell remarks to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Friday, April 17, 2015, the seventy-eighth legislative day. Motion carried.

Senate adjourned at 3:25 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 17, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 4/17/2015
Correctly printed: **SR 57**, **SJ 28**, **SJ 30**, **HB 11**, **HB 89**, **HB 114**, **HB 115**, **HB 123**, **HB 154**, **HB 156**, **HB 322**, **HB 389**, **HB 423**, **HB 496**, **HB 510**, **HB 559**, **HB 590**, **HB 617**, **HJ 13**.
Correctly engrossed: **HB 10**, **HB 228**, **HB 245**, **HB 604**.
Correctly enrolled: **SB 7**, **SB 47**, **SB 93**, **SB 102**, **SB 136**, **SB 192**, **SB 258**.
Examined by the sponsor and found to be correct: **SB 54**, **SB 66**, **SB 128**, **SB 160**, **SB 169**, **SB 195**, **SB 217**, **SB 249**, **SB 280**, **SB 288**, **SB 289**, **SB 307**, **SB 325**, **SB 345**, **SB 349**, **SB 355**, **SB 364**, **SB 367**, **SB 371**, **SR 29**, **SR 32**, **SR 33**, **SR 35**, **SR 37**, **SR 40**, **SR 41**, **SR 42**, **SR 47**, **SR 49**.
Transmitted to the House: **HB 11**, **HB 89**, **HB 114**, **HB 115**, **HB 123**, **HB 154**, **HB 389**.
Signed by the Speaker at 9:20 a.m., April 16, 2015: **SB 176**.
Delivered to the Secretary of State at 10:13 a.m., April 17, 2015: **SJ 6**, **SJ 9**, **SJ 13**, **SJ 14**.
Delivered to the Governor at 8:10 a.m., April 17, 2015: **SB 34**, **SB 57**, **SB 112**, **SB 123**, **SB 126**, **SB 148**, **SB 149**, **SB 181**, **SB 191**, **SB 213**, **SB 216**, **SB 229**, **SB 230**, **SB 232**, **SB 248**, **SB 253**, **SB 276**, **SB 294**, **SB 298**, **SB 318**, **SB 335**, **SB 336**, **SB 347**, **SB 350**, **SB 368**, **SB 376**, **SB 379**, **SB 384**.
Delivered to the Governor at 4:20 p.m., April 17, 2015: **SB 176**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/17/2015
SJ 30, introduced joint resolution, be amended as follows:

1. Page 2, line 12.
Following: "duplications;"
Strike: "and"

2. Page 2, line 14.
Following: "serve"
Strike: "."
Insert: "; and"

3. Page 2, line 15.

Following: line 14
Insert: "(5) how state agencies, through their economic development programs, may better coordinate with and assist local and tribal economic development efforts."

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 4/17/2015
HB 4, be amended as follows:

1. Page 3, line 25.
Following: line 24
Insert: "Immigration Customs Enforcement Overtime FY2015 $1,500 Federal
Tactical Diversion Task Force FY2015 $17,375 Federal
Northwest Diversion Task Force FY2015 $16,650 Federal
All remaining fiscal year 2015 federal budget amendment authority for the northwest diversion task force is authorized to continue into state fiscal year 2016."

2. Page 3, line 28.
Following: line 27
Insert: "Montana Arts Council
Promotion of the Arts
National Endowment for the Arts FY2015 $53,356 Federal
All remaining fiscal year 2015 federal budget amendment authority for the national endowment for the arts is authorized to continue into state fiscal year 2016."

3. Page 6, line 6.
Following: line 5
Insert: "All of the remaining fiscal year 2015 federal budget amendment authority for the wildlife survey and inventory program is authorized to continue into state fiscal year 2017."

4. Page 6, line 7.
Strike: "$30,000"
Insert: "$50,000"

5. Page 7, line 8.
Following: "program"
Insert: "and the March 2014 severe flooding emergency relief funds"

6. Page 7, line 9.
Strike: "AND THE MARCH 2014 SEVERE FLOODING EMERGENCY RELIEF FUNDS"

7. Page 7, line 23.
Strike: "2015"
Insert: "2016"

8. Page 7, line 24.
Following: line 23
Insert: "Diagnostic Laboratory Division
Maintenance of Membership Laboratory Requirements
FY2015 $55,000 Federal
All remaining fiscal year 2015 federal budget amendment authority for the maintenance of membership laboratory requirements is authorized to continue into state fiscal year 2016.
Animal Health Division
Animal Disease Traceability FY2015 $149,000 Federal
All of the remaining fiscal year 2015 federal budget amendment authority for animal health traceability is authorized to continue into state fiscal year 2016."

9. Page 8, line 12.
Following: line 11
Insert: "Bridger Pipeline Spill Pollution Removal FY2015
$15,000 Federal"

10. Page 10, line 6.
Following: line 5
Insert: "Fiscal Year 2015 Unemployment Insurance Administration Funding FY2015 $721,128 Federal"

11. Page 10, line 11.
Following: line 10
Insert: "All remaining fiscal year 2015 federal budget amendment authority for the fiscal year 2015 unemployment insurance administration funding is authorized to continue into federal fiscal year 2017."

12. Page 10, line 15.
Following: line 14
Insert: "Challenge Program
Youth Challenge Program FY2015 $254,870 Federal
Starbase
Fiscal Year 2015 Starbase FY2015 $46,236 Federal
Military Capital Construction
Fiscal Year 2015 Montana National Guard Facilities Programs FY2015 $1,722,000 Federal
All of the remaining fiscal year 2015 federal budget amendment authority for the fiscal year 2015 Montana national guard facilities program is authorized to continue into federal fiscal year 2017."

13. Page 10, line 16.
Following: line 15
Insert: "Fiscal Year 2014 Montana National Guard Facilities Programs FY2015
$1,266,945 Federal

Fiscal Year 2015 Montana National Guard Facilities Programs FY2015 $2,775,359 Federal"

14. Page 10, line 16.
Following: "for the"
Insert: "fiscal year 2013"

15. Page 10, line 17.
Following: "programs"
Insert: ", the fiscal year 2014 Montana national guard facilities programs, and the fiscal year 2015 Montana national guard facilities programs"

16. Page 10, line 19.
Following: line 18
Insert: "All of the remaining fiscal year 2015 federal budget amendment authority for the Helena open lands fuel reduction program is authorized to continue into state fiscal year 2016."

17. Page 10, line 28.
Following: line 27
Insert: "Child and Family Services
Promoting Safe and Stable Families FY2015 $45,630 Federal
All remaining fiscal year 2015 federal budget amendment authority for promoting safe and stable families is authorized to continue into federal fiscal year 2016."

18. Page 10, line 29.
Following: line 28
Insert: "Public Health Emergency Preparedness for Ebola Preparedness and Response Activities FY2015 $1,248,811 Federal
Domestic Ebola Supplement to Epidemiology and Laboratory Capacity for Infectious Disease FY2015 $1,020,180 Federal"

19. Page 11, line 2.
Following: line 1
Insert: "All remaining fiscal year 2015 federal budget amendment authority for the public health emergency preparedness for Ebola, preparedness and response activities, is authorized to continue into federal fiscal year 2016.
All remaining fiscal year 2015 federal budget amendment authority for the domestic Ebola supplement to epidemiology and laboratory capacity for infectious disease is authorized to continue into federal fiscal year 2017.
Developmental Services Division
Social Services Block Grant FY2015 $1,254,445 Federal
All remaining fiscal year 2015 federal budget amendment authority for the social services block grant is authorized to continue into federal fiscal year 2016."

And, as amended, be concurred in. Report adopted.

HB 140, be amended as follows:

1. Title, page 1, line 19.
Following: "PROGRAMS;"
Insert: "CREATING AN APPRENTICE HUNTING CERTIFICATE FOR YOUTH BETWEEN 10 AND 18 YEARS OF AGE AND PROVIDING QUALIFYING CONDITIONS;"

2. Title, page 1, line 20.
Following: "87-2-104,"
Insert: "87-2-105,"

3. Title, page 1, line 21.
Following: "87-2-403,"
Insert: "87-2-404,"
Following: "87-2-514,"
Insert: "87-2-520,"

4. Page 4.
Following: line 11
Insert: "Section 7. Section 87-2-105, MCA, is amended to read:

"87-2-105. Safety instruction required. (1) Except for a youth who qualifies for a license pursuant to 87-2-805(4) or who has been issued an apprentice hunting certificate pursuant to [section 38], a hunting license may not be issued to a person ~~who is~~ born after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

(a) a Montana hunter safety and education course established in subsection (4) or (6);

(b) a hunter safety course in any other state or province; or

(c) a Montana hunter safety and education course that qualifies the person for a provisional certificate as provided in 87-2-126.

(2) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's dependents, as defined in 15-30-2115, who reside in the member's Montana household, unless the person authorized to issue the license determines proof of completion of a hunter safety course approved by the department or a hunter safety course in any state or province.

(3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized to issue the license receives an archery license issued for a prior hunting season or determines proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify the public regarding bowhunter education requirements.

(4) The department shall provide for a hunter safety and education course that includes

instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of hunter safety and education. The department may designate as an instructor any person it finds to be competent to give instructions in hunter safety and education, including the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion from Montana's hunter safety and education course to a person successfully completing the course.

(5) The department shall provide for a course of instruction from the national bowhunter education foundation or any other bowhunter education program approved by the department and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give bowhunter education instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion to ~~any~~ a person successfully completing the course.

(6) The department may develop an adult hunter safety and education course.

(7) The department may adopt rules regarding how a person authorized to issue a license determines proof of completion of a required course.""

Renumber: subsequent sections

5. Page 4, line 15.
Strike: "33(2)"
Insert: "37(2)"

6. Page 4, line 23.
Strike: "33(2)"
Insert: "37(2)"

7. Page 7.
Following: line 10
Insert: "Section 15. Section 87-2-404, MCA, is amended to read:

"87-2-404. Three-day nonresident captive-reared bird hunting stamp. ~~A~~ Except as otherwise provided, a person who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and who is not a resident, as defined in 87-2-102, may, upon payment of a fee of $20, receive a 3-day nonresident shooting preserve bird hunting stamp that authorizes a holder who is 12 years of age or older to hunt game specified under 87-4-522 on a shooting preserve licensed under 87-4-501 for 3 consecutive calendar days as indicated on the license.""

Renumber: subsequent sections

8. Page 8, line 13.
Strike: "33(1)"
Insert: "37(1)"

9. Page 12.
Following: line 3
Insert: "Section 21. Section 87-2-520, MCA, is amended to read:

"87-2-520. Supplemental game damage license -- terms and conditions. (1) If at any time the department determines, in conjunction with a landowner or a designated lessee acting as an agent for a landowner, that game animals on the property are causing a level of damage to crops or other vegetation that merits removal of a specific number of game animals or that the taking of a specific number of game animals is advisable for game management purposes, the department may issue nontransferable resident and nonresident supplemental game damage hunting licenses for game management purposes on the property.

(2) Supplemental game damage hunting licenses may be issued only for antlerless animals and may be issued only for use on lands eligible for game damage assistance pursuant to 87-1-225. A landowner may not charge a fee to a hunter using a license obtained pursuant to this section.

(3) Supplemental game damage licenses may be issued to hunters as an alternative to issuing a kill permit to a landowner.

(4) (a) In a hunting district with unlimited license quotas, a landowner may designate the resident supplemental game damage license recipient upon approval of issuance, including a recipient who has obtained an apprentice hunting certificate pursuant to [section 38].

(b) In a hunting district with limited permit quotas, a landowner may designate up to 75% of the resident supplemental game damage license recipients, with the remainder of the licenses offered to hunters in a manner prescribed by the department.

(5) If additional supplemental game damage licenses are available, the department may issue those licenses to resident and nonresident hunters.

(6) A licensee shall pay the regular license price or an adjusted price set by the commission for any supplemental game management license issued pursuant to subsection (1). Issuance of a supplemental game damage license authorizes the licensee to hunt, take, and possess the game animal designated on the license. All hunting under a supplemental game damage license must be conducted on the property designated on the license and in accordance with department regulations.""

Renumber: subsequent sections

10. Page 15, line 10.
Strike: "33(1)"
Insert: "37(1)"

11. Page 15.
Following: line 28
Insert: "Section 27. Section 87-2-711, MCA, is amended to read:

"87-2-711. Class AAA--combination sports license. (1) ~~A~~ Except as otherwise provided in this chapter, a resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued is entitled to:

(a) a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, and A-5 licenses and resident conservation licenses as prescribed in 87-2-202 upon payment of the sum of $70, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c), or, if the resident is a service member eligible for a combination sports license pursuant to 87-2-803(12), upon payment of the resident hunting access enhancement fee provided for in 87-2-202(3)(c); or

(b) a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license upon payment of the sum of $85, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c).

(2) The department may furnish each holder of a combination sports license an appropriate decal.""

Renumber: subsequent sections

12. Page 16, line 1.
Strike: "A"
Insert: "Except as otherwise provided in this chapter, a"

13. Page 16, line 8.
Strike: "33(2)"
Insert: "37(2)"

14. Page 26, line 13.
Strike: "32 and 33"
Insert: "36 and 37"

15. Page 28.
Following: line 4
Insert: "NEW SECTION. **Section 38. Apprentice hunting certificate.** (1) A person who is 10 years of age or older and under 18 years of age who has not completed a hunter safety and education course pursuant to 87-2-105 is eligible to apply for an apprentice hunting certificate that entitles the holder to obtain and use hunting licenses and permits in accordance with this title and the provisions of this section. A person may obtain an apprentice hunting certificate for no more than 2 license years before the person must complete a Montana hunter safety and education course pursuant to 87-2-105.

(2) A person who obtains an apprentice hunting certificate must be in the company of a mentor when hunting and shall conduct all hunting in accordance with this section and within the terms and conditions of the license or permit issued.

(3) To qualify as a mentor who will accompany an apprentice hunter, a person must:

(a) be at least 21 years of age;

(b) be related to the apprentice hunter by blood, adoption, or marriage, be the legal guardian of the apprentice hunter, or be a person designated by a parent or legal guardian as being capable and qualified to assist the apprentice hunter;

(c) have completed a hunter safety and education course pursuant to 87-2-105;

(d) have a current Montana hunting license;

(e) have agreed to accompany and supervise the apprentice hunter and remain within sight of and direct voice contact with the apprentice hunter at all times while in the field; and

(f) confirm that the apprentice hunter possesses the physical and psychological capacity to safely and ethically engage in hunting activities.

(4) Subject to the conditions of this section, the department shall issue an apprentice hunting certificate upon payment of a fee of $5. This fee must be deposited in the state special

revenue fund account to the credit of the department for hunter education purposes.

(5) The department shall issue an apprentice hunting certificate that allows an apprentice hunter to be accompanied by multiple mentors.

(6) Except as provided in subsection (7), a person who obtains an apprentice hunting certificate may purchase any unlimited hunting license or permit by any applicable deadline for the fee established pursuant to this chapter, including:

(a) a reduced cost license for which the applicant qualifies. An apprentice hunter who is under 12 years of age is eligible to obtain the unlimited reduced cost licenses available to a person who is 12 years of age.

(b) a wild turkey tag if it is issued in an unlimited number.

(7) A person who obtains an apprentice hunting certificate is not eligible:

(a) to obtain a Class A-2 special bow and arrow license without having completed a bowhunter education course;

(b) to obtain a Class D-3 resident hound training license;

(c) to participate in a drawing with a limited quota;

(d) to obtain a mountain sheep license in any area where the licenses are issued in unlimited numbers; or

(e) to obtain an elk license if the apprentice hunter is under 15 years of age.

(8) An apprentice hunter who violates the terms of this section or a mentor who violates the terms of this section while accompanying an apprentice hunter is subject to the loss of privileges granted by this section for up to one full license season."

Renumber: subsequent sections

16. Page 28, line 24.
Strike: "32 AND 33"
Insert: "36, 37, and 38"

17. Page 28, line 25 through line 26.
Strike: "32 AND" on line 25 through "33" on line 26
Insert: "36, 37, and 38"

18. Page 28, line 27.
Strike: "34"
Insert: "39"

19. Page 28, line 28.
Strike: "34"
Insert: "39"

20. Page 28, line 30.
Strike: "subsection (2)"
Insert: "subsections (2) and (3)"

21. Page 29, line 2.
Strike: "and this section are"

Insert: "is"

22. Page 29.
Following: line 2
Insert: "(3) [Sections 7, 15, 21, 27, and 38] and this section are effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 167, be concurred in. Report adopted.
HB 191, be amended as follows:

1. Page 2, line 29.
Following: "injury"
Strike: "and"
Insert: ". The department of justice shall contract with an independent investigator to investigate a report of an allegation of abuse or neglect. The investigator shall report to the department of justice, the department of health and human services, and the children, families, health, and human services interim committee. The department of justice shall"

And, as amended, be concurred in. Report adopted.

HB 223, be concurred in. Report adopted.
HB 300, be concurred in. Report adopted.
HB 421, be concurred in. Report adopted.
HB 510, be concurred in. Report adopted.
HB 599, be concurred in. Report adopted.
HB 628, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 4/16/2015
HB 150, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 4/16/2015
SR 56, preliminary report, be adopted. Report adopted.
HB 486, be concurred in. Report adopted.
HB 604, be amended as follows:

1. Title, line 4.
Strike: "REVISING"
Insert: "REQUIRING COLLECTION OF INFORMATION AND REPORTING BY THE DEPARTMENT OF TRANSPORTATION ON TRAILS AND PATHS CREATED UNDER"

2. Title, line 5 through line 12.
Strike: "CREATING" on line 5 through "DATES" on line 12
Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 16 through page 13, line 13.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Inventory of trails and paths -- maintenance -- report to legislature.** The department of transportation shall:

(1) compile an inventory of all multiuse trails or other paths within state-maintained federal-aid highway rights-of-way that are separated from motorized vehicular traffic by open spaces, pavement, markings, or barriers and that are usable for transportation purposes by pedestrians, runners, bicyclists, skaters, equestrians, and other nonmotorized users;

(2) develop a plan for maintaining and repairing the trails and other paths described in subsection (1), including estimated costs for maintenance and repair; and

(3) provide a report of the inventory and maintenance plan to the revenue and transportation interim committee and to the 65th legislature."

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 3. Termination.** [This act] terminates May 1, 2017."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/16/2015

SB 7, introduced by R. Webb
SB 47, introduced by J. Pomnichowski
SB 102, introduced by D. Ankney
SB 136, introduced by B. Hamlett

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/16/2015

SB 100, introduced by C. Larsen
SB 122, introduced by M. Rosendale
SB 175, introduced by C. Wolken
SB 245, introduced by D. Kary
SB 284, introduced by J. Brenden

HB 2 - The House dissolved the Conference Committee on Senate amendments to **HB 2**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on **HB 2** and requests the Senate appoint a like committee:

4/16/2015

Representative Ballance, Vice Chair
Representative Noonan
Representative Osmundson

MOTIONS

Majority Leader Rosendale moved the Senate accede to the request of the House to dissolve the Conference Committee on **HB 2** and authorize the President to appoint a **Free** Conference Committee on **HB 2**. Motion carried. President Barrett appointed:

4/17/2015

Senator L. Jones, Chair
Senator Keane
Senator Keenan

Senator Vincent moved the Senate suspend the rules to allow for the late acceptance of **SB 334** and that **SB 334** be scheduled for second reading. The motion passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 35

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Malek in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 627 - Senator Hansen moved **HB 627** be concurred in.

HB 627 - Senator Wolken moved **HB 627**, second reading copy, be amended as follows:

1. Page 2, line 6.
Strike: "nine"
Insert: "11"

2. Page 2, line 11.
Following: "one"
Strike: "member"
Insert: "district court judge"
Following: "court;"
Insert: "and"

3. Page 2, line 12 through line 13.
Strike: line 12 through line 13 in their entirety
Insert: "(d) four members appointed by the governor, none of whom may be a currently serving legislator, including:

(i) one attorney experienced in the federal Indian Child Welfare Act advocating on behalf of racial minorities in Montana;

(ii) one attorney with experience in the prosecution of misdemeanor and felony offenses in Montana;

(iii) one attorney with experience in the criminal defense of misdemeanor and felony offenses in Montana; and

(iv) one individual assigned to act as a group facilitator."

4. Page 3, line 15.
Following: line 14
Insert: "(4) The task force shall coordinate meetings with the law and justice interim committee and may hold no more than five meetings."
Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 627 - As amended, **HB 627** concurred in as follows:

Yeas: Barrett Dick, Blasdel, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 34

Nays: Ankney, Arntzen, Brenden, D. Brown, Buttrey, Hinkle, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Swandal, Vance, Vincent, Webb.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Dick Barrett introduced the Lewis and Clark Elementary School Peace Choir from Missoula. The choir is comprised of students in the third through fifth grades who sang a medley of songs for the Senate.

Senator Thomas excused at this time.

HB 464 - Senator Ankney moved **HB 464** be concurred in.

HB 464 - Senator Driscoll moved **HB 464**, second reading copy, be amended as follows:

1. Page 2, line 23.
Strike: "OF UNIVERSITY BUILDINGS"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.

Total 1

HB 464 - As amended, **HB 464** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Moore, Rosendale, Sales, Smith, Vance.
Total 5

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 483 - Senator Brenden moved **HB 483** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Fielder, Hinkle, Keenan, Rosendale, Sales, Smith, Vance, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 487 - Senator Howard moved **HB 487** be concurred in. Motion carried as follows:

Yeas: Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 40

Nays: Ankney, Arntzen, Blasdel, Hinkle, Malek, Sales, Smith, Vance, Vincent.
Total 9

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

Senator Thomas present at this time.

HB 506 - Senator Facey moved **HB 506** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Howard, Smith.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 6 - Senator Keenan moved **HB 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Hinkle, Howard, Kary, Smith, Vance.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 7 - Senator Ripley moved **HB 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 9 - Senator Hamlett moved **HB 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Rosendale, Sales, Smith, Swandal, Vance, Vincent.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 356 - Senator T. Brown moved **HB 356** be concurred in.

HB 356 - Senator Hamlett moved **HB 356**, second reading copy, be amended as follows:

1. Page 2, line 12.
Strike: "<u>$1 MILLION</u>"

Insert: "$5 million"

Amendment **not** adopted as follows:

Yeas: Ankney, Arntzen, T. Brown, Caferro, Driscoll, Hamlett, Kaufmann, Moe, Pomnichowski, Stewart-Peregoy, Thomas, Vuckovich, Whitford, Windy Boy.
Total 14

Nays: Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 36

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 356 - Thereupon, the Senate reverted to the original motion of Senator T. Brown which passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Hinkle, Sales, Vance, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 488 - Senator Webb moved **HB 488** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, Caferro, Connell, Driscoll, Facey, Fielder, Hansen, Hoven, Howard, Kary, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Taylor, Thomas, Webb, Ms. President.
Total 24

Nays: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Hamlett, Hinkle, Jones, Kaufmann, Keane, Keenan, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 488 - Senator Rosendale moved **HB 488** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 38

Nays: Arntzen, Fielder, Hansen, Hoven, Malek, McNally, Phillips, Sands, Taylor, Thomas, Webb, Ms. President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 512 - Senator Howard moved **HB 512** be concurred in.

HB 512 - Senator Hansen moved **HB 512**, second reading copy, be amended as follows:

1. Page 2, line 5 through line 6.
Strike: "ONE" on line 5 through "ONLY" on line 6

2. Page 2, line 8.
Strike: "ONE TIME ONLY"

3. Page 2, line 12.
Following: line 11
Insert: "(3) Expenditures from these appropriations are intended to fund 4 FTE and to be ongoing and must be included in the base budget."

Amendment **not** adopted as follows:

Yeas: Cohenour, Driscoll, Facey, Fielder, Hansen, Hoven, Kaufmann, McNally, Swandal, Taylor, Thomas, Vuckovich, Windy Boy.
Total 13

Nays: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Hamlett, Hinkle, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Tutvedt, Vance, Vincent, Webb, Whitford, Wolken, Ms. President.
Total 37

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 512 - Senator McNally moved consideration of **HB 512** be passed for the day.

HB 512 - Senator McNally withdrew her motion.

Senator Arntzen excused at this time.

HB 512 - Senator Ripley moved a substitute motion that **HB 512** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Brenden, D. Brown, Buttrey, Connell, Fielder, Hinkle, Keenan, Larsen, Ripley, Sales, Thomas, Tutvedt, Vance, Vincent, Ms. President.
Total 15

Nays: Ankney, Barrett Dick, Blasdel, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 34

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

HB 512 - Thereupon, the Senate reverted to the original motion of Senator Howard which passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 35

Nays: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Keenan, Larsen, Ripley, Sales, Thomas, Tutvedt, Vance, Vincent, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 - **House Amendments** - Senator Brenden moved House amendments to **SB 283** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Barrett Dick, Caferro, Malek, Pomnichowski.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 390 - **House Amendments** - Senator Arntzen moved House amendments to **SB 390** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 37

Nays: Brenden, D. Brown, Hinkle, Keenan, Moore, Phillips, Pomnichowski, Rosendale, Sales,

Smith, Vance, Vincent, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 10 - **House Amendments** - Senator L. Jones moved House amendments to **SJ 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 405 - **House Amendments** - Senator Buttrey moved House amendments to **SB 405** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 91 - **House Amendments** - Senator Thomas moved House amendments to **SB 91** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 10 - Senator Blasdel moved **HB 10** be concurred in.

HB 10 - Senator Blasdel moved **HB 10**, second reading copy, be amended as follows:

1. Title, page 1, line 13.
Strike: "AN EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

2. Page 5, line 25.
Strike: "[This"
Insert: "(1) Except as provided in subsection (2), [this"

3. Page 5, line 26.
Following: line 25
Insert: "(2) [Section 7] and this section are effective on passage and approval."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 10 - As amended, **HB 10** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Hinkle, Hoven, Sales, Vance, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 411 - Senator T. Brown moved **HB 411** be concurred in.

HB 411 - Senator Kaufmann moved **HB 411**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "RATES;"
Insert: "PROVIDING THAT QUALIFYING PRIMARY OIL PRODUCTION AND QUALIFYING OIL PRODUCTION FROM HORIZONTALLY COMPLETED WELLS ARE TAXED AT A HIGHER RATE DURING A CALENDAR QUARTER IF THE AVERAGE PRICE OF A BARREL OF OIL EXCEEDS A CERTAIN AMOUNT;"

2. Page 3, line 1.
Following: "(a)"
Insert: "(i)"
Strike: "The"
Insert: "Except as provided in subsection (6)(a)(ii), the"

Strike: "rates"
Insert: "rate"
Following: "(5)(a)(i)"
Insert: "on qualifying primary recovery production"

3. Page 3, line 4.
Following: line 3
Insert: "(ii) For primary recovery wells other than stripper wells drilled after December 31, 2015, qualifying primary recovery production is taxed as provided in subsection (5)(a)(i) only if the average price of a barrel of west Texas intermediate crude oil during a calendar quarter is less than $54 a barrel. If the average price of oil is equal to or greater than $54 a barrel in a calendar quarter as determined in subsection (6)(e), qualifying production from primary recovery wells is taxed at the rate imposed in subsection (5)(a)(ii)(B) for that quarter."

4. Page 3, line 4.
Following: "(i)"
Insert: "(A)"
Strike: "The"
Insert: "Except as provided in subsection (6)(b)(i)(B), the"
Strike: "rates"
Insert: "rate"
Following: "(5)(d)(i) on"
Insert: "qualifying"

5. Page 3, line 8.
Following: line 7
Insert: "(B) For horizontally completed wells other than stripper wells drilled after December 31, 2015, qualifying oil production from a horizontally completed well is taxed as provided in subsection (5)(d)(i) only if the average price of a barrel of west Texas intermediate crude oil during a calendar quarter is less than $54 a barrel. If the average price of oil is equal to or greater than $54 a barrel in a calendar quarter as determined in subsection (6)(e), qualifying production from horizontally completed wells is taxed at the rate imposed in subsection (5)(d)(ii)(B) for that quarter."

6. Page 3, line 12.
Strike: "each"
Insert: "a"

7. Page 3, line 20.
Following: the first "a barrel"
Insert: "as determined in subsection (6)(e)"

8. Page 3, line 25.
Following: "a barrel"

Insert: "as determined in subsection (6)(e)"

9. Page 3, line 26.
Strike: "(6)(c) and"
Insert: "(6)(a) through "
Strike: "each"
Insert: "a"
Following: "barrel"
Insert: "of oil"

10. Page 3, line 27.
Following: "for"
Insert: "a barrel of"

Amendment **not** adopted as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Windy Boy, Wolken.
Total 18

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Whitford, Ms. President.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 411 - Thereupon, the Senate reverted to the original motion of Senator T. Brown which passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Barrett Dick, Kaufmann, Pomnichowski.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Malek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Hinkle, Sales, Smith, Vance, Webb.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 11 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 89 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Brenden, Howard, Kary, Rosendale, Sales, Smith, Vance.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 114 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Cohenour, Hoven, Malek.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 115 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 123 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 154 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 322 failed as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Rosendale, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.
Total 25

Nays: Ankney, Barrett Dick, Cohenour, Connell, Driscoll, Facey, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 389 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Cohenour, Keane, Phillips, Pomnichowski.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/17/2015
HB 403, be amended as follows:

1. Title, page 1, line 5.

Following: "2017;"
Insert: "PROVIDING FOR A TRANSFER OF FUNDS;"

2. Page 1, line 10.
Strike: "6"
Insert: "7"

3. Page 1, line 15.
Strike: "6"
Insert: "7"

4. Page 2, line 7.
Strike: "2,000,000" in both places
Insert: "2,500,000" in both places

5. Page 2, line 12 through line 14.
Strike: line 12 through line 14 in their entirety

6. Page 3, line 19.
Strike: "4,600,000" in both places
Insert: "4,500,000" in both places

7. Page 3, line 24.
Following: line 23
Insert: "Land Acquisition - Great Falls College-MSU
750,000 (Auxiliary Funds) 750,000(Total)

Montana State University-Northern, Automotive Technology Center
1,000,000 (LRBP) 1,000,000 (Authority Only) 2,000,000 (Total)"

8. Page 3, line 30.
Following: "facilities"
Insert: ", excluding the acquisition of land"

9. Page 4, line 3.
Strike: "635,000" in both places
Insert: "845,000" in both places

10. Page 4, line 4 through line 5.
Strike: line 4 through line 5

11. Page 4, line 20
Following: line 19
Insert: "Upland Game Bird Program
849,000 (State Special Revenue) 849,000 (Total)"

12. Page 5, line 23.
Following: line 22
Insert: "(6) The following money is appropriated to the Montana historical society in the indicated amount for the purpose of a grant:
Capital Maintenance and Improvements at the Daly Mansion
100,000 (LRBP) 100,000 (Total)
The appropriation for capital improvements at the Daly mansion is a biennial appropriation for the biennium ending June 30, 2017, only. Any unobligated funds remaining on July 1, 2017, must revert to the long-range building program (LRBP) fund.
Insert: "NEW SECTION. **Section 4. Land access appropriations.** The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of land leasing, easement purchase, or development agreements and may not be used to purchase land except in cases where the department is currently negotiating such purchase:

Habitat Montana 10,668,000(State Special Revenue) 10,668,000(Total)

Bighorn Sheep Habitat 460,000(State Special Revenue) 460,000(Total)

FAS Lease 245,000(State Special Revenue) 100,000 (Federal Special Revenue) 345,000(Total). "

13. Page 6, line 27.
Following: line 26
Insert: "NEW SECTION. **Section 8. Transfer of funds.** In the biennium beginning July 1, 2015, the department of administration shall transfer the amount of $750,000 from the long-range building program account to the auxiliary funds of the Montana university system to be used for the sole purpose of land acquisition for Great Falls college-MSU."
Renumber: subsequent sections

14. Page 6, line 29.
Strike: "6" in both places
Insert: "7" in both places

15. Page 7, line 1.
Insert: "NEW SECTION. **Section 10. General fund transfer.** The department of administration shall transfer $1,000,000 from the general fund to the long-range building program (LRBP)fund in the biennium beginning July 1, 2015."
Renumber: subsequent sections

16. Page 7, line 5.
Following: line 4
Insert: "NEW SECTION. **Section 12. Contingent voidness.** If Senate Bill No. 416 is passed and approved and provides for a $1,000,000 appropriation for the Montana state university-northern, automotive technology center, the LRBP funding for the project in [this act]

and [section 10 of this act] are void."

And, as amended, be concurred in. Report adopted.

HB 463, be amended as follows:

1. Page 2, line 2.
Following: "DIES"
Insert: ", is deported, or is unknown"

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Rosendale moved to appoint a **Free** Conference Committee on **SB 283** and request the House to appoint a like committee. Motion carried. President Barrett appointed:

4/17/2015

Senator Brenden, Chair
Senator Sales
Senator Sands

Senator Webb moved to reconsider second-reading action on **HB 488** and that **HB 488** be placed on second reading tomorrow. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Buttrey, Connell, Driscoll, Facey, Fielder, Hansen, Hoven, Howard, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Taylor, Thomas, Webb, Wolken, Ms. President.
Total 26

Nays: Ankney, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Hamlett, Hinkle, Jones, Kaufmann, Keane, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hansen moved to reconsider third-reading action on **HB 322**. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett,

Hansen, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Tutvedt, Webb, Ms. President.
Total 25

Nays: Ankney, Barrett Dick, Cohenour, Connell, Driscoll, Facey, Hinkle, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senators Bruce Tutvedt and Jonathan Windy Boy made their farewell remarks to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:00 a.m., Saturday, April 18, 2015, the seventy-ninth legislative day. Motion carried.

Senate adjourned at 3:30 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 18, 2015 — State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Caferro and Vincent excused. Quorum present.

BILLS AND JOURNALS 4/18/2015
Correctly printed: **SB 334**, **HB 6**, **HB 7**, **HB 9**, **HB 150**, **HB 167**, **HB 223**, **HB 300**, **HB 356**, **HB 411**, **HB 421**, **HB 483**, **HB 486**, **HB 487**, **HB 506**, **HB 510**, **HB 512**, **HB 599**, **HB 628**.
Correctly engrossed: **SJ 30**, **HB 4**, **HB 10**, **HB 140**, **HB 191**, **HB 403**, **HB 454**, **HB 463**, **HB 464**, **HB 627**.
Examined by the sponsor and found to be correct: **SB 7**, **SB 47**, **SB 93**, **SB 102**, **SB 136**, **SB 192**, **SB 258**.
Transmitted to the House: **HB 6**, **HB 7**, **HB 9**, **HB 219**, **HB 322**, **HB 356**, **HB 411**, **HB 483**, **HB 487**, **HB 506**, **HB 512**.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (D. Brown, Chair): 4/17/2015
SR 34, preliminary report, be adopted. Report adopted.
SR 46, preliminary report, be adopted. Report adopted.

MESSAGES FROM THE GOVERNOR

April 17, 2015

The Honorable Debby Barrett
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Livestock
MCA 2-15-3102

! Ms. Lila V. Taylor, HC 42 Box 595, Busby, MT 59016, was appointed to serve a

term starting April 17, 2015 and ending March 1, 2021. Ms. Taylor fulfills the qualifications of Cattle Producer for the board.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

April 17, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Friday, April 17, 2015, I signed the following bills:

Senate Bill 48 - C. Vincent
Senate Bill 150 - J. Windy Boy

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/17/2015

SB 52, introduced by J. Cohenour
SB 180, introduced by B. Hoven
SB 212, introduced by S. Sales

SB 234, introduced by F. Thomas
SB 262, introduced by C. Vincent
SB 293, introduced by B. Hamlett
SB 306, introduced by E. Arntzen
SB 308, introduced by J. Fielder
SB 309, introduced by J. Hinkle
SB 326, introduced by J. Hinkle
SB 378, introduced by E. Arntzen
SB 380, introduced by C. Larsen
SB 393, introduced by E. Arntzen
SB 409, introduced by C. Vincent

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/17/2015

SB 312, introduced by M. Phillips
SB 399, introduced by F. Thomas

House joint resolutions passed and transmitted to the Senate for concurrence: 4/17/2015

HJ 21, introduced by B. Bennett
HJ 23, introduced by D. Lamm
HJ 24, introduced by W. Curdy
HJ 26, introduced by G. Pierson
HJ 27, introduced by B. Tschida

SB 283 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 283:**

4/17/2015

Representative Essmann, Vice Chair
Representative MacDonald
Representative Mandeville

HB 28 - The House failed to concur in Senate amendments to **HB 28,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 28:**

4/17/2015

Representative Eck, Vice Chair
Representative Redfield
Representative Schwaderer

MOTIONS

Senator Hansen moved to reconsider the previous day's third-reading action on **HB 322** and that **HB 322** be placed on third reading this day. Motion carried.

Yeas: Ankney, Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Brenden, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Caferro, Vincent.
Total 2

Majority Leader Rosendale moved to appoint a Conference Committee on **SB 389** and request the House to appoint a like committee. Motion carried. President Barrett appointed:

Senator Hamlett, Chair
Senator Connell
Senator Vincent

Majority Leader Rosendale moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 28**. Motion carried. President Barrett appointed:

Senator Wolken, Chair
Senator Driscoll
Senator Hansen

Majority Leader Rosendale moved to appoint a Conference Committee on **SB 283** and request the House to appoint a like committee. Motion carried. President Barrett appointed:

Senator Brenden, Chair
Senator Sales
Senator Sands

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 59, introduced by T. Brown, referred to Agriculture, Livestock and Irrigation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 31, introduced by J. Cohenour, referred to Taxation.

Senator Caferro present at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 6 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Fielder, Hinkle, Howard, Kary, Sales, Smith, Vance.
Total 7

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 7 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 9 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Fielder, Hansen, Hinkle, Kary, Keenan, Rosendale, Sales, Smith, Swandal, Vance, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 219 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 40

Nays: Barrett Dick, Caferro, Facey, Kaufmann, Malek, Pomnichowski, Sales, Sands, Wolken.
Total 9

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 356 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Hinkle, Keenan, Sales, Vance.
Total 4

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 411 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Barrett Dick, Kaufmann, Pomnichowski.
Total 3

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 483 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Fielder, Hinkle, Keenan, Rosendale, Sales, Smith, Vance.
Total 7

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 487 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Blasdel, Fielder, Hinkle, Sales, Smith, Vance.
Total 6

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 506 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 46

Nays: Howard, Smith, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 512 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Hamlett, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 34

Nays: Blasdel, Brenden, Facey, Fielder, Hansen, Hinkle, Keenan, Larsen, Ripley, Sales, Taylor, Thomas, Tutvedt, Vance, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 91, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 390, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Brenden, D. Brown, Kary, Keenan, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales,

Smith, Swandal, Vance, Webb.
Total 14

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 405, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SJ 10, as amended by the House, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 322 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Windy Boy, Ms. President.
Total 30

Nays: Barrett Dick, Brenden, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Taylor in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 140 - Senator Rosendale moved consideration of **HB 140** be placed at the top of the second reading board. Without objection, so ordered.

HB 140 - Senator Brenden moved **HB 140** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Ripley, Rosendale, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Wolken, Ms. President.
Total 37

Nays: Barrett Dick, D. Brown, Fielder, Jones, Kaufmann, Moe, Pomnichowski, Sales, Sands, Stewart-Peregoy, Whitford, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 488 - Senator Webb moved **HB 488** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Connell, Driscoll, Facey, Fielder, Hansen, Hoven, Howard, Kary, Larsen, Malek, McNally, Moore, Phillips, Ripley, Sales, Sands, Taylor, Thomas, Tutvedt, Webb, Wolken, Ms. President.
Total 27

Nays: Barrett Dick, Brenden, D. Brown, Caferro, Cohenour, Hamlett, Hinkle, Jones, Kaufmann, Keane, Keenan, Moe, Pomnichowski, Rosendale, Sesso, Smith, Stewart-Peregoy, Swandal, Vance, Vincent, Vuckovich, Whitford, Windy Boy.
Total 23

Paired: Thomas, Aye; Vincent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 334 - **House Amendments** - Senator Fielder moved House amendments to **SB 334** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Windy Boy, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 353 - **House Amendments** - Senator Ripley moved House amendments to **SB 353** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Windy Boy, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 629 - Senator F. Moore moved **HB 629** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 4 - Senator Keenan moved consideration of **HB 4** be placed below **HB 403** on the second reading board. Without objection, so ordered.

HB 191 - Senator Webb moved **HB 191** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Keane, Keenan, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Vincent present at this time.

HB 228 - Senator Ankney moved **HB 228** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Barrett Dick, Cohenour, Kaufmann, Malek, Moe, Pomnichowski.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 245 - Senator D. Brown moved **HB 245** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Wolken, Ms. President.
Total 25

Nays: Ankney, Barrett Dick, T. Brown, Cohenour, Connell, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 245 - Senator Rosendale moved **HB 245** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Arntzen, Blasdel, Brenden, D. Brown, Caferro, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Rosendale, Smith, Swandal, Taylor, Thomas, Webb, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 403 - Senator Ripley moved **HB 403** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 4 - Senator Keenan moved **HB 4** be concurred in.

HB 4 - Senator Hansen moved **HB 4**, second reading copy, be amended as follows:

1. Page 2, line 20 through line 26.
Strike: line 20 through line 26

Amendment **not** adopted as follows:

Yeas: Arntzen, Blasdel, Brenden, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Rosendale, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 20

Nays: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 4 - Thereupon, the Senate reverted to the original motion of Senator Keenan which passed as follows:

Yeas: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 36

Nays: Arntzen, Blasdel, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Sales, Smith, Swandal, Vance, Vincent, Webb.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Windy Boy excused at this time.

HB 463 - Senator Wolken moved **HB 463** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance,

Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 46

Nays: T. Brown, Connell, Howard.
Total 3

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 454 - Senator Tutvedt moved **HB 454** be concurred in.

HB 454 - Senator Buttrey moved **HB 454**, second reading copy, be amended as follows:

1. Page 4, line 22.
Strike: "THE COUNTY CENTRAL COMMITTEE OF EACH"
Insert: "Each"

2. Page 5, line 2.
Strike: "THE CENTRAL COUNTY COMMITTEE OF"

3. Page 5, line 4.
Strike: "THE COUNTY CENTRAL COMMITTEE OF"

4. Page 5, line 5.
Strike: "COUNTY CENTRAL COMMITTEE"
Insert: "party"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Nays: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 21

Paired: Windy Boy, Aye; Smith, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 454 -As amended, **HB 454** concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 27

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Buttrey assumed the chair.

HB 604 - Senator Thomas moved **HB 604** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 32

Nays: Ankney, Blasdel, Brenden, D. Brown, Hinkle, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent.
Total 17

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Thomas excused at this time.

HB 118 - **Conference Committee Report No. 1** - Senator Facey moved the Conference Committee report to **HB 118** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 47

Nays: Hinkle.
Total 1

Absent or not voting: None.
Total 0

Excused: Thomas, Windy Boy.
Total 2

HB 211 - **Conference Committee Report No. 1** - Senator Larsen moved the Conference Committee report to **HB 211** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 45

Nays: Kaufmann, Pomnichowski, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: Thomas, Windy Boy.
Total 2

HB 226 - **Conference Committee Report No. 1** - Senator Keane moved the Conference Committee report to **HB 226** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt,

Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 47

Nays: Hinkle.
Total 1

Absent or not voting: None.
Total 0

Excused: Thomas, Windy Boy.
Total 2

SB 138 - **Conference Committee Report No. 1** - Senator Hoven moved the Conference Committee report to **SB 138** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Malek, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Ms. President.
Total 39

Nays: Barrett Dick, Caferro, Cohenour, Facey, Kaufmann, Keane, Moe, Phillips, Wolken.
Total 9

Absent or not voting: None.
Total 0

Excused: Thomas, Windy Boy.
Total 2

SB 261 - **Free Conference Committee Report No. 1** - Senator Hamlett moved the Free Conference Committee report to **SB 261** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 43

Nays: Fielder, Hinkle, Kary, Smith, Vance.
Total 5

Absent or not voting: None.

Total 0

Excused: Thomas, Windy Boy.
Total 2

SB 385 - **Free Conference Committee Report No. 1** - Senator Webb moved the Free Conference Committee report to **SB 385** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Thomas, Windy Boy.
Total 2

Senator Connell excused at this time.

Senator Thomas present at this time.

HB 156 - Senator Blasdel moved **HB 156** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 35

Nays: Barrett Dick, Caferro, Cohenour, Facey, Kaufmann, Malek, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Whitford, Wolken.
Total 13

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

HB 423 - Senator F. Moore moved **HB 423** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 46

Nays: Hinkle, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

Senator Whitford excused at this time.

HB 560 - Senator Facey moved **HB 560** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Connell, Whitford, Windy Boy.
Total 3

Senator Whitford present at this time.

HB 617 - Senator Blasdel moved **HB 617** be concurred in.

HB 617 - Senator Hansen moved **HB 617**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Strike: "APPROPRIATIONS"
Insert: "A STATUTORY APPROPRIATION"

2. Page 11, line 7 through line 9.
Strike: section 14 in its entirety
Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Dick, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moe, Moore, Rosendale, Smith, Swandal, Taylor, Webb, Ms. President.
Total 19

Nays: Ankney, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Wolken.
Total 29

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

HB 617 - Thereupon, the Senate reverted to the original motion of Senator Blasdel which passed as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Driscoll, Facey, Hamlett, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Wolken, Ms. President.
Total 33

Nays: Arntzen, Barrett Dick, Caferro, Fielder, Hansen, Hinkle, Hoven, Howard, Keenan, Moore, Rosendale, Smith, Swandal, Vincent, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

HB 167 - Senator Hamlett moved **HB 167** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hinkle, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 37

Nays: D. Brown, Fielder, Hoven, Kary, Keenan, Rosendale, Sales, Smith, Swandal, Thomas, Vance.
Total 11

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

HB 223 - Senator Arntzen moved **HB 223** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Sands, Sesso, Taylor, Vuckovich, Wolken, Ms. President.
Total 27

Nays: Barrett Dick, Blasdel, Brenden, D. Brown, Hansen, Hinkle, Howard, Kary, Keenan, Moe, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Webb, Whitford.
Total 22

Paired: Connell, Aye; Smith, No.

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 300 - Senator Hinkle moved **HB 300** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 47

Nays: Rosendale.
Total 1

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

HB 496 - Senator Fielder moved **HB 496** be concurred in.

HB 496 - Senator Hamlett moved **HB 496**, second reading copy, be amended as follows:

1. Title, line 9 through line 10.
Following: "BY THE" on line 9
Insert: " STATE OF MONTANA OR THE"
Strike: "FOREST" on line 9 through "MANAGEMENT" on line 10

2. Title, line 11.
Following: "AREAS"
Insert: "AND NATIONAL PARKS"

3. Page 1, line 29.
Following: "by the"
Insert: "state of Montana or the"

4. Page 1, line 30.
Strike: "forest" through "management"

5. Page 2, line 1.
Following: "areas"
Insert: "and national parks"

6. Page 2, line 21.
Following: "ADMINISTERED BY"
Insert: "the state of Montana or"

7. Page 2, line 22.
Strike: "FOREST" through "MANAGEMENT"
Insert: "except for congressionally designated wilderness areas and national parks"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Larsen, McNally, Moe, Moore, Phillips,

Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Ms. President.
Total 36

Nays: Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Keenan, Malek, Sesso, Webb, Whitford, Wolken.
Total 12

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

HB 496 - As amended, **HB 496** concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Paired: Sales, Smith, Aye; Connell, Windy Boy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 599 - Senator F. Moore moved **HB 599** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, Moe, Moore, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 37

Nays: Caferro, Cohenour, Driscoll, Facey, Keane, McNally, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 13

Paired: Connell, Smith, Aye; Keane, Windy Boy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 150 - Senator Hamlett moved **HB 150** be concurred in.

HB 150 - Senator Vincent moved **HB 150**, second reading copy, be amended as follows:

1. Page 3, line 15.
Strike: "or a land management agency"
Following: "that landowner"
Insert: ";"

2. Page 3, line 15 through line 16.
Strike: "or land" on line 15 through "management agency." on line 16

3. Page 3, line 25.
Following: "~~(3)~~"
Insert: "(c) use a motor-driven vehicle on a road or trail on state land if that road or trail is posted as closed by the land management agency unless permission has been given by that land management agency."
Strike: "restrictions"
Insert: "restriction"
Strike: "(2)(b)"
Insert: "(2)(c)"

4. Page 3, line 26.
Strike: "apply"
Insert: "applies"
Strike: "or private"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

HB 150 - As amended, **HB 150** concurred in as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 46

Nays: Ankney, Whitford.
Total 2

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Taylor moved the Committee of the Whole report be adopted.

Senator D. Brown moved a substitute motion to segregate **HB 245** from the Committee of the Whole report. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Caferro, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 23

Nays: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

Thereupon, the Senate reverted to the original motion of Chair Taylor which carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Driscoll, Facey, Hamlett, Hoven, Jones, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Wolken, Ms. President.
Total 30

Nays: Arntzen, Blasdel, Brenden, Caferro, Fielder, Hansen, Hinkle, Howard, Kary, Kaufmann, Keenan, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Webb.
Total 18

Absent or not voting: None.
Total 0

Excused: Connell, Windy Boy.
Total 2

MOTIONS

Majority Leader Rosendale moved to rescind the appointment of a Conference Committee on **SB 283** made earlier this date explaining that a Free Conference Committee was previously appointed. Without objection, so ordered.

Majority Leader Rosendale moved to appoint a Conference Committee on **SB 353** and request the House to appoint a like committee. Without objection, so ordered. President Barrett appointed:

4/18/2015

Senator Ripley, Chair
Senator Facey
Senator Rosendale

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Monday, April 20, 2015, the eightieth legislative day. Motion carried.

Senate adjourned at 12:15 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
EIGHTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 20, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 4/20/2015

Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-sixth through seventieth legislative days, find the same to be correct.

Correctly printed: **SR 59**, **SJ 31**, **HB 4**, **HB 140**, **HB 156**, **HB 167**, **HB 191**, **HB 223**, **HB 228**, **HB 300**, **HB 403**, **HB 423**, **HB 463**, **HB 488**, **HB 560**, **HB 599**, **HB 604**, **HB 617**, **HB 629**.
Correctly engrossed: **HB 150**, **HB 496**.
Correctly enrolled: **SB 20**, **SB 52**, **SB 91**, **SB 99**, **SB 180**, **SB 212**, **SB 234**, **SB 262**, **SB 279**, **SB 293**, **SB 306**, **SB 308**, **SB 309**, **SB 326**, **SB 378**, **SB 380**, **SB 386**, **SB 390**, **SB 393**, **SB 401**, **SB 405**, **SB 409**, **SJ 10**.
Examined by the sponsor and found to be correct: **SB 52**, **SB 91**, **SB 234**, **SB 293**, **SB 308**, **SB 405**.
Transmitted to the House: **HB 4**, **HB 10**, **HB 140**, **HB 150**, **HB 156**, **HB 167**, **HB 191**, **HB 223**, **HB 228**, **HB 300**, **HB 403**, **HB 423**, **HB 454**, **HB 463**, **HB 464**, **HB 488**, **HB 496**, **HB 560**, **HB 599**, **HB 604**, **HB 617**, **HB 627**, **HB 629**.
Signed by the Secretary of the Senate at 8:30 a.m., April 20, 2015: **SB 7**, **SB 47**, **SB 54**, **SB 66**, **SB 93**, **SB 102**, **SB 128**, **SB 136**, **SB 160**, **SB 169**, **SB 192**, **SB 195**, **SB 217**, **SB 249**, **SB 258**, **SB 280**, **SB 288**, **SB 289**, **SB 307**, **SB 325**, **SB 345**, **SB 349**, **SB 355**, **SB 364**, **SB 367**, **SB 371**, **SR 29**, **SR 32**, **SR 33**, **SR 35**, **SR 37**, **SR 40**, **SR 41**, **SR 42**, **SR 47**, **SR 49**.
Signed by the President at 9:40 a.m., April 20, 2015: **SB 7**, **SB 47**, **SB 54**, **SB 66**, **SB 93**, **SB 102**, **SB 128**, **SB 136**, **SB 160**, **SB 169**, **SB 192**, **SB 195**, **SB 217**, **SB 249**, **SB 258**, **SB 280**, **SB 288**, **SB 289**, **SB 307**, **SB 325**, **SB 345**, **SB 349**, **SB 355**, **SB 364**, **SB 367**, **SB 371**, **SR 29**, **SR 32**, **SR 33**, **SR 35**, **SR 37**, **SR 40**, **SR 41**, **SR 42**, **SR 47**, **SR 49**.
Signed by the Speaker at 11:45 a.m., April 20, 2015: **SB 7**, **SB 47**, **SB 54**, **SB 66**, **SB 93**, **SB 102**, **SB 128**, **SB 136**, **SB 160**, **SB 169**, **SB 192**, **SB 195**, **SB 217**, **SB 249**, **SB 258**, **SB 280**, **SB 288**, **SB 289**, **SB 307**, **SB 325**, **SB 345**, **SB 349**, **SB 355**, **SB 364**, **SB 367**, **SB 371**.
Delivered to the Secretary of State at 11:06 a.m., April 20, 2015: **SR 29**, **SR 32**, **SR 33**, **SR 35**, **SR 37**, **SR 40**, **SR 41**, **SR 42**, **SR 47**, **SR 49**.
Delivered to the Governor at 4:45 p.m., April 20, 2015: **SB 7**, **SB 47**, **SB 54**, **SB 66**, **SB 93**, **SB 102**, **SB 128**, **SB 136**, **SB 160**, **SB 169**, **SB 192**, **SB 195**, **SB 217**, **SB 249**, **SB 258**, **SB 280**, **SB 288**, **SB 289**, **SB 307**, **SB 325**, **SB 345**, **SB 349**, **SB 355**, **SB 364**, **SB 367**, **SB 371**.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 4/16/2015
SR 56, be adopted. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 4/15/2015
SR 58, be adopted. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 4/17/2015
SR 34, be adopted. Report adopted.
SR 46, be adopted. Report adopted.

TAXATION (Tutvedt, Chair): 4/20/2015
SJ 31, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/18/2015

SB 20, introduced by C. Vincent
SB 83, introduced by C. Kaufmann
SB 99, introduced by J. Cohenour
SB 279, introduced by B. Hamlett
SB 386, introduced by J. Cohenour
SB 401, introduced by M. Caferro

Senate bill not concurred in and returned to the Senate: 4/18/2015

SB 244, introduced by D. Brown

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
4/18/2015

SB 157, introduced by B. Tutvedt
SB 171, introduced by B. Tutvedt
SB 193, introduced by B. Tutvedt
SB 259, introduced by B. Tutvedt
SB 260, introduced by F. Moore
SB 375, introduced by S. Sales
SB 387, introduced by C. Smith

SB 275, introduced by R. Webb, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, failed to meet the vote requirement and is returned to the

Senate:

4/18/2015

Yeas - 56
Nays - 43

Senate amendments to House bills concurred in: 4/18/2015

HB 196, introduced by S. Webber
HB 237, introduced by A. Olszewski
HB 381, introduced by T. Burnett
HB 504, introduced by D. Hayman

Governor's amendments to **House bills** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/18/2015

HB 204, introduced by G. Hertz
HB 270, introduced by T. Richmond

MOTIONS

Senator D. Brown moved the Senate reconsider its action on **HB 245** and that **HB 245** be placed at the bottom of the second reading agenda this same day.

Senator Facey moved a substitute motion that **HB 245** be re-referred to the Judiciary Committee.

The motion **failed** as follows:

Yeas: Barrett Dick, T. Brown, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Tutvedt, Whitford.
Total 19

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

The Senate returned to the original motion of Senator D. Brown which passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Caferro, Fielder, Hamlett, Hansen, Hinkle,

Hoven, Howard, Kary, Keenan, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vincent, Webb, Ms. President.
Total 26

Nays: Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the Conference Committee on **SB 389** be dissolved and that the President be authorized to appoint a **Free** Conference Committee. Without objection, so ordered. President Barrett appointed:

4/20/2015

Senator Hamlett, Chair
Senator Connell
Senator Vincent

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 21, introduced by B. Bennett, D. Lamm, A. Olsen, N. Schwaderer, D. Zolnikov, referred to Judiciary.
HJ 23, introduced by D. Lamm, B. Brown, F. Garner, E. Greef, B. Harris, F. Mandeville, D. Mortensen, A. Wittich, referred to State Administration.
HJ 24, introduced by W. Curdy, S. Lavin, referred to Highways and Transportation.
HJ 26, introduced by G. Pierson, Z. Brown, M. Dunwell, J. Ellis, E. Greef, E. Hill, T. Jacobson, M. Lang, C. Larsen, S. Lavin, E. Lieser, E. McClafferty, N. McConnell, R. Mehlhoff, D. Mortensen, P. Noonan, A. Olsen, A. Olszewski, Z. Perry, A. Person, C. Pope, J. Price, D. Salomon, C. Schreiner, N. Schwaderer, S. Staffanson, T. Steenberg, B. Tschida, G. Vuckovich, J. Welborn, T. Woods, D. Moore, referred to Public Health, Welfare and Safety.
HJ 27, introduced by B. Tschida, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Without objection, Chair Kaufmann moved consideration of **HB 486** to the bottom of the board.

HB 468 - Senator Webb moved **HB 468** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 559 - Senator Windy Boy moved **HB 559** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 40

Nays: Brenden, Hinkle, Howard, Kary, Rosendale, Sales, Smith, Swandal, Vance, Ms. President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 577 - Senator Larsen moved **HB 577** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Howard, Smith, Vincent, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Windy Boy excused at this time.

HB 612 - Senator Hansen moved **HB 612** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 41

Nays: Blasdel, D. Brown, Hinkle, Kary, Rosendale, Sales, Vance, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Windy Boy present at this time.

HB 421 - Senator Hoven moved **HB 421** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 34

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 33 - **Governor's Amendments** - Senator Caferro moved Governor's amendments to **HB 33** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 34 - **Governor's Amendments** - Senator Caferro moved Governor's amendments to **HB 34** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 100 - **House Amendments** - Senator Larsen moved House amendments to **SB 100** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Kaufmann, Pomnichowski, Stewart-Peregoy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 122 - **House Amendments** - Senator Rosendale moved House amendments to **SB 122** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 30

Nays: Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 175 - **House Amendments** - Senator Wolken moved House amendments to **SB 175** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour,

Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: D. Brown, Rosendale, Sales, Smith, Vance, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 245 - **House Amendments** - Senator Kary moved House amendments to **SB 245** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 36

Nays: Barrett Dick, Driscoll, Facey, Kaufmann, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 284 - **House Amendments** - Senator Brenden moved House amendments to **SB 284** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 399 - **House Amendments** - Senator Thomas moved House amendments to **SB 399** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Facey assumed the chair.

HB 486 - Senator Kaufmann moved **HB 486** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Blasdel, Brenden, Hinkle, Kary, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 245 - Senator D. Brown moved **HB 245** be concurred in.

HB 245 - Senator Ripley moved **HB 245**, second reading copy, be amended as follows:

1. Page 1, line 24.
Strike: "7"
Insert: "2"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 43

Nays: Blasdel, Caferro, Fielder, Hinkle, Howard, Taylor, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 245 - Senator T. Brown moved **HB 245**, second reading copy, be further amended as follows:

1. Title, line 6.
Strike: "HERD SHARING"
Insert: "CONTRACT MILKING"

2. Page 2, line 21 through line 27.
Strike: subsection (5) in its entirety
Insert: "(5) (a) Pursuant to the requirements of this subsection (5), a person who obtains raw milk for human consumption through a contract for milking is not subject to the provisions of this section.

(b) A person may enter into a contract for milking to obtain raw milk for human consumption if that person can prove ownership of the animal or animals to be milked through a bill of sale, a brand inspection, a change of ownership, or other written evidence of bona fide ownership.

(c) A contract for milking must state that a person other than the owner of the animal or

animals will manage the animal or animals, including providing housing, pasture, feed, and milking services. The person contracting to manage the animal or animals and provide the milking service may not own an interest in the animal or animals.

(d) The contract must contain a conspicuous notification that raw milk is not pasturized."

3. Page 4, line 27.
Strike: "HERD SHARING"
Insert: "contract milking"

4. Page 4, line 29.
Strike: "HERD SHARING"
Insert: "contract milking"

Amendment adopted as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Caferro, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 245 - As amended, **HB 245 failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 25

Nays: Ankney, Barrett Dick, T. Brown, Cohenour, Connell, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: None.`
Total 0

HB 245 - Majority Leader Rosendale moved **HB 245** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 30

Nays: Arntzen, Blasdel, Brenden, D. Brown, Caferro, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Rosendale, Smith, Swandal, Taylor, Thomas, Vincent, Webb, Ms. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Smith, Swandal, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 4 concurred in as follows:

Yeas: Ankney, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Arntzen, Blasdel, Fielder, Hansen, Hinkle, Howard, Kary, Sales, Smith, Swandal, Vance, Vincent, Webb.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 10 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: D. Brown, Fielder, Hinkle, Kary, Sales, Smith, Swandal, Vance, Vincent, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 140 concurred in as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Kary, Keane, Keenan, Larsen, Malek,

McNally, Moore, Phillips, Ripley, Rosendale, Sesso, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Windy Boy, Wolken.
Total 33

Nays: Arntzen, D. Brown, Fielder, Hinkle, Jones, Kaufmann, Moe, Pomnichowski, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Vance, Vincent, Whitford, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 150 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Moe, Rosendale, Stewart-Peregoy, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 156 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 34

Nays: Barrett Dick, D. Brown, Caferro, Cohenour, Facey, Hinkle, Kaufmann, Malek, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 16

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 167 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Blasdel, D. Brown, Hoven, Howard, Rosendale, Sales, Smith, Taylor, Vance, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 191 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 223 concurred in as follows:

Yeas: Ankney, Arntzen, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips,

Pomnichowski, Ripley, Sands, Sesso, Taylor, Vuckovich, Webb, Wolken, Ms. President.
Total 30

Nays: Barrett Dick, Blasdel, Brenden, D. Brown, Hansen, Hinkle, Howard, Kary, Moe, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Whitford, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 228 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Barrett Dick, Cohenour, Kaufmann, Malek, Pomnichowski.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 300 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 403 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 423 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Hinkle, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 463 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary,

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 454 concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 464 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 39

Nays: Blasdel, Fielder, Howard, Kary, Moore, Rosendale, Sales, Smith, Taylor, Vance, Ms. President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 488 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Larsen, Malek, McNally, Moore, Phillips, Sands, Smith, Taylor, Thomas, Tutvedt, Vance, Webb, Wolken, Ms. President.
Total 29

Nays: Barrett Dick, Brenden, D. Brown, Caferro, Cohenour, Hinkle, Kaufmann, Keane, Keenan, Moe, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Swandal, Vincent, Vuckovich, Whitford, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 496 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 560 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 599 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 40

Nays: Caferro, Cohenour, Driscoll, Facey, Keane, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Wolken.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 604 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 35

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Vance, Vincent, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 617 concurred in as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Arntzen, Fielder, Hansen, Hinkle, Hoven, Moore, Rosendale, Smith, Swandal, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 627 concurred in as follows:

Yeas: Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 36

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Hinkle, Ripley, Rosendale, Sales, Smith, Swandal, Vance, Vincent.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 629 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell,

Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 38

Nays: Barrett Dick, Cohenour, Driscoll, Kaufmann, Keane, Malek, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 334, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 118, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 211, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Hansen, Hoven, Kaufmann, Pomnichowski, Sales, Taylor, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 226, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: D. Brown, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 138, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder,

Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Barrett Dick, D. Brown, Cohenour, Facey, Moe, Phillips.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 261, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Brenden, Fielder, Hinkle, Howard, Keenan, Sales, Smith, Vance.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 385, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 28**
Report No. 001, April 20, 2015

Ms. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 28** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 28** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8 through line 9.
Following: "~~AND~~"
Strike: remainder of line 8 through "RESOURCES;" on line 9

2. Page 2, line 9 through line 10.
Strike: section 2 in its entirety
Renumber: subsequent section

For the Senate:	For the House:
Wolken, Chair	Eck, Vice Chair
Driscoll	Redfield
Hansen	Schwaderer

Senator Wolken moved the committee report be adopted. Report adopted.

SPECIAL ORDERS OF THE DAY

SR 52 - Senator T. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 52**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Smith introduced the Pages for the week:

Katee Orr from Missoula, sponsored by Senator Malek
Ben Bryant from Great Falls, sponsored by Senator Buttrey
Kaylie Johnston from Helena, Monday only, sponsored by Senator Smith
Rylee Donaldson from Helena, Tuesday only, sponsored by Senator Rosendale
Ashley Hamlin from Helena, Wednesday only, sponsored by Senator Facey

Senators Christine Kaufmann and Rick Ripley made their farewell remarks to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, April 21, 2015, the eighty-first legislative day Motion carried.

Senate adjourned at 3:15 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 21, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Buttrey excused. Quorum present.

BILLS AND JOURNALS 4/21/2015
Correctly printed: **SR 34**, **SR 46**, **SR 56**, **SR 58**, **SJ 31**, **HB 421**, **HB 468**, **HB 486**, **HB 559**, **HB 577**, **HB 612**.
Correctly engrossed: **HB 402**.
Correctly enrolled: **SB 83**, **SB 188**, **SB 334**, **SR 52**, **SJ 24**.
Examined by the sponsor and found to be correct: **SB 20**, **SB 40**, **SB 99**, **SB 180**, **SB 212**, **SB 262**, **SB 279**, **SB 306**, **SB 309**, **SB 326**, **SB 378**, **SB 380**, **SB 386**, **SB 390**, **SB 393**, **SB 409**, **SJ 10**.
Transmitted to the House: **HB 421**, **HB 468**, **HB 486**, **HB 559**, **HB 577**, **HB 612**.
Signed by the Secretary of the Senate at 8:00 a.m., April 21, 2015: **SB 52**, **SB 91**, **SB 234**, **SB 293**, **SB 308**, **SB 405**.
Signed by the President at 9:15 a.m., April 21, 2015: **SB 52**, **SB 91**, **SB 234**, **SB 293**, **SB 308**, **SB 405**.

Senator Buttrey present at this time.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 4/21/2015
SR 59, be adopted. Report adopted.

FINANCE AND CLAIMS (Jones, Chair): 4/21/2015
HB 402, be amended as follows:

1. Page 7, line 18.
Strike: "$55"
Insert: "$27.5"

2. Page 9, line 3.
Strike: "$55"
Insert: "$27.5"

And, as amended, be concurred in. Report adopted.

HJ 27, be concurred in. Report adopted.

JUDICIARY (Sales, Chair): 4/21/2015
HJ 21, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair): 4/20/2015
HJ 23, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 283**
Report No. 001, April 21, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 283** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 283** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.
Following: "LAWS;"
Insert: "PROVIDING FOR A STIPEND AND"

2. Title, page 1, line 14.
Following: "ACCOUNT"
Insert: "OR OTHERWISE REIMBURSED"

3. Page 1, line 21.
Following: "**services**"
Insert: "stipend and"
Following: "**reimbursement.**"
Insert: "(1) Each legislator is entitled to a stipend of $3,000 in a biennium for providing constituent services, which include but are not limited to unreimbursed expenses for mileage, per diem, or lodging as well as communication and information technology, such as expenses for telecommunications or internet, computer hardware and software, postage, and education-related expenses to represent constituents."
Renumber: subsequent subsections

4. Page 1, line 21.
Strike: "subsection (3)"
Insert: "subsections (4) and (5)"

5. Page 1, line 22.

Strike: "$3,000"
Insert: "the amount provided for in subsection (3)"

6. Page 1, line 22.
Strike: ":"

7. Page 1, line 23.
Strike: "(a)"

8. Page 1, line 24 through line 27.
Strike: "; and" on line 24 through "constituents" on line 27

9. Page 1.
Following: line 27
Insert: "(3) The amount authorized under subsection (2) is:

(a) $1,000 if the legislator's district is at least 100 square miles but less than 1,000 square miles;

(b) $2,000 if the legislator's district is at least 1,000 square miles but less than 5,000 square miles;

(c) $3,000 if the legislator's district is at least 5,000 square miles but less than 7,500 square miles; or

(d) $4,000 if the legislator's district is 7,500 square miles or more."

Renumber: subsequent subsections

10. Page 1, line 28.
Strike: "Legislators must"
Insert: "For expenses authorized under subsection (2), a legislator shall"
Strike: "and must submit:"
Insert: "by submitting"

11. Page 1, line 29.
Strike: "(a)"

12. Page 1, line 29 through page 2, line 1.
Strike: ", for" on page 1, line 29 through "(1)(b)" on page 2, line 1

For the Senate:	For the House:
Brenden, Chair	Essmann, Vice Chair
Sales	MacDonald
Sands	Mandeville

Senator Brenden moved adoption of the committee report. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in and returned to the Senate: 4/20/2015

SJ 24, introduced by D. Sands

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/21/2015

SB 252, introduced by L. Jones
SB 272, introduced by J. Windy Boy, is an amended bill being returned after the deadline for general bills and requires a 2/3 vote for the bill to be considered by the Senate.
SB 354, introduced by R. Ripley
SB 396, introduced by E. Buttrey
SB 410, introduced by L. Jones
SB 411, introduced by M. Caferro
SB 418, introduced by L. Jones

Senate amendments to House bills concurred in: 4/20/2015

HB 359, introduced by E. Lieser
HB 517, introduced by J. Essmann

Senate amendments to House bills not concurred in: 4/20/2015

HB 24, introduced by C. Schreiner

Governor's amendments to **Senate bill** concurred in and returned to the Senate: 4/20/2015

SB 188, introduced by C. Vincent

Governor's amendments to **House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/20/2015

HB 306, introduced by J. Eck

SB 389 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 389:**

4/20/2015

Representative Williams, Vice Chair
Representative B. Brown
Representative White

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 171 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 171** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 260 - **House Amendments** - Senator F. Moore moved House amendments to **SB 260** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 410 - **House Amendments** - Senator L. Jones moved House amendments to **SB 410** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 40

Nays: Barrett Dick, Caferro, Cohenour, Facey, Kaufmann, McNally, Moe, Phillips, Sands, Wolken.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 418 - **House Amendments** - Senator L. Jones moved House amendments to **SB 418** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 354 - **House Amendments** - Senator Ripley moved House amendments to **SB 354** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Rosendale moved the Conference Committee on **SB 353** be dissolved and that a **Free** Conference Committee be appointed. Without objection, so ordered. President Barrett appointed:

4/21/2015

Senator Ripley, Chair
Senator Facey
Senator Rosendale

Majority Leader Rosendale moved to appoint a **Free** Conference Committee on **SB 171** and request the House to appoint a like committee. Without objection, so ordered. President Barrett appointed:

4/21/2015

Senator Tutvedt, Chair
Senator Dick Barrett
Senator Thomas

Majority Leader Rosendale moved to appoint a **Free** Conference Committee on **SB 260** and request the House to appoint a like committee. Without objection, so ordered. President Barrett appointed:

4/21/2015

Senator F. Moore, Chair
Senator Facey
Senator Rosendale

Majority Leader Rosendale moved to appoint a **Free** Conference Committee on **SB 410** and request the House to appoint a like committee. Without objection, so ordered. President Barrett appointed:

4/21/2015

Senator L. Jones, Chair
Senator Hamlett
Senator Hansen

Majority Leader Rosendale moved to appoint a **Free** Conference Committee on **SB 418** and request the House to appoint a like committee. Without objection, so ordered. President Barrett appointed:

4/21/2015

Senator L. Jones, Chair
Senator F. Moore
Senator Sesso

Majority Leader Rosendale moved to appoint a **Free** Conference Committee on **SB 354** and request the House to appoint a like committee. Without objection, so ordered. President Barrett appointed:

4/21/2015

Senator Ripley, Chair
Senator L. Jones
Senator Sesso

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 510 - Senator Vincent moved **HB 510** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 590 - Senator Vincent moved **HB 590** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Facey, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Thomas excused at this time.

HB 628 - Senator Hansen moved **HB 628** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

Senator Thomas present at this time.

HJ 13 - Senator Hamlett moved **HJ 13** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 36

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Malek, McNally, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 26 - Senator Tutvedt moved **SJ 26** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Hansen, Hinkle, Howard, Sales, Vance.

Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 204 - **Governor's Amendments** - Senator Swandal moved Governor's amendments to **HB 204** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Fielder, Hansen.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 270 - **Governor's Amendments** - Senator Vincent moved Governor's amendments to **HB 270** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 157 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 157** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 38

Nays: Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Moore, Rosendale, Smith, Taylor, Vance, Ms. President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 193 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 193** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Ankney, Fielder, Hansen, Howard, Keane, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 259 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 259** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent,

Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Hinkle, Howard, Kary, Sales, Smith, Vance.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 312 - **House Amendments** - Senator Phillips moved House amendments to **SB 312** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 42

Nays: D. Brown, Fielder, Howard, Kary, Rosendale, Smith, Webb, Ms. President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 375 - **House Amendments** - Senator Sales moved House amendments to **SB 375** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 33

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Fielder, Hamlett, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Sesso, Thomas, Whitford.
Total 17

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 387 - **House Amendments** - Senator C. Smith moved House amendments to **SB 387** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 42

Nays: Malek, Moe, Phillips, Sands, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 25 - Senator C. Smith moved **SJ 25** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 28 - Senator Windy Boy moved **SJ 28** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell,

Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 40

Nays: Brenden, D. Brown, Howard, Kary, Moore, Rosendale, Smith, Vance, Webb, Ms. President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 29 - Senator Hansen moved **SJ 29** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Barrett Dick, Kaufmann, McNally, Pomnichowski, Sesso.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 30 - Senator Taylor moved **SJ 30** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Larsen.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 31 - Senator Cohenour moved **SJ 31** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Brenden, Caferro, Driscoll, Fielder, Hinkle, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Vance, Webb.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Buttrey assumed the chair.

SJ 27 - Senator Kary moved **SJ 27** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Malek, McNally, Moe, Sands, Smith, Swandal, Thomas, Tutvedt, Webb, Whitford, Wolken.
Total 31

Nays: Blasdel, Brenden, Hansen, Kaufmann, Keane, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Vance, Vincent, Vuckovich, Windy Boy, Ms. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee

arose. Senate resumed. President Barrett presiding. Chair Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 100, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Kaufmann, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 122, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder,

Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 175, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 41

Nays: Hinkle, Moore, Rosendale, Sales, Smith, Vance, Vincent, Webb, Ms. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 245, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 33

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Keane, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 284, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 399, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 421 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell,

Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 36

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 468 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 486 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 37

Nays: Blasdel, Brenden, Fielder, Hinkle, Kary, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 559 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 37

Nays: Brenden, Fielder, Hinkle, Howard, Kary, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Webb, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 577 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Howard, Smith.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 612 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Blasdel, Hinkle, Rosendale, Sales, Vance, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 34, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Hinkle, Sales, Vance, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 389**
Report No. 001, April 21, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 389** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 389** (reference copy -- salmon) be amended as follows:

1. Page 4, line 5 through line 11.
Strike: subsection (1) through subsection (3) in their entirety
Insert: "(1) "Ephemeral stream" means a watercourse that has a channel and that carries water only during and shortly after precipitation or snow melt events.

(2) "Intermittent stream" means a nonperennial flowing stream that has a channel and that annually carries water but is dry for part of the year in most years.

(3) "Perennial flowing stream" means a stream that has flowed continuously during all seasons during dry as well as wet years, except when the flow is interrupted by diversions."

For the Senate:	For the House:
Hamlett, Chair	Williams, Vice Chair
Connell	B. Brown
Vincent	White

Senator Hamlett moved adoption of the committee report. Report adopted.

SPECIAL ORDERS OF THE DAY

Senators John Brenden and Jim Keane made their farewell remarks to the Senate.

MESSAGES FROM THE OTHER HOUSE

HB 6 - The House failed to concur in Senate amendments to **HB 6,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 6:**

4/21/2015

Representative Cuffe, Vice Chair
Representative Hagstrom
Representative Tropila

HB 512 - The House failed to concur in Senate amendments to **HB 512,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 512:**

4/21/2015

Representative Mortensen, Vice Chair
Representative D. Jones
Representative McCarthy

MOTIONS

Senator Rosendale moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 512**. Without objection, so ordered. President Barrett appointed:

4/21/2015

Senator Hansen, Chair
Senator Webb
Senator Wolken

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Wednesday, April 22, 2015, the eighty-second legislative day. Motion carried.

Senate adjourned at 2:55 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 22, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 4/22/2015

Correctly printed: **SR 59**, **SJ 25**, **SJ 26**, **SJ 27**, **SJ 28**, **SJ 29**, **SJ 30**, **SJ 31**, **HB 510**, **HB 590**, **HB 628**, **HJ 13**, **HJ 21**, **HJ 23**, **HJ 27**.
Correctly enrolled: **SB 100**, **SB 122**, **SB 175**, **SB 245**, **SB 284**, **SJ 20**, **SJ 21**.
Examined by the sponsor and found to be correct: **SB 83**, **SB 188**, **SB 334**, **SR 52**, **SJ 24**.
Transmitted to the House: **SJ 25**, **SJ 26**, **SJ 27**, **SJ 28**, **SJ 29**, **SJ 30**, **SJ 31**, **HB 510**, **HB 590**, **HB 628**, **HJ 13**.
Signed by the Secretary of the Senate at 11:15 a.m., April 22, 2015: **SB 20**, **SB 99**, **SB 180**, **SB 212**, **SB 262**, **SB 279**, **SB 306**, **SB 309**, **SB 326**, **SB 378**, **SB 380**, **SB 386**, **SB 390**, **SB 393**, **SB 401**, **SB 409**, **SJ 10**.
Signed by the President at 12:50 p.m., April 22, 2015: **SB 20**, **SB 99**, **SB 180**, **SB 212**, **SB 262**, **SB 279**, **SB 306**, **SB 309**, **SB 326**, **SB 378**, **SB 380**, **SB 386**, **SB 390**, **SB 393**, **SB 401**, **SB 409**, **SJ 10**.
Signed by the Speaker at 4:00 p.m., April 21, 2015: **SB 52**, **SB 91**, **SB 234**, **SB 293**, **SB 308**, **SB 405**.
Delivered to the Governor at 9:38 a.m., April 22, 2015: **SB 52**, **SB 91**, **SB 234**, **SB 293**, **SB 308**, **SB 405**.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 25 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Cohenour, Facey, Hamlett, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SJ 26 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Hinkle, Howard, Sales, Vance.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 27 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 36

Nays: Blasdel, Brenden, Hansen, Kaufmann, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Tutvedt, Vance, Vincent, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 28 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek,

McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 39

Nays: Brenden, D. Brown, Hansen, Howard, Kary, Moore, Rosendale, Smith, Vance, Webb, Ms. President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 29 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Barrett Dick, Kaufmann, Keane, Malek, McNally, Pomnichowski, Sesso, Whitford.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 30 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 31 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 33

Nays: Brenden, Caferro, Driscoll, Fielder, Hinkle, Howard, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Vance, Vincent, Ms. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 157, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 34

Nays: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Moore, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 193, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 36

Nays: Brenden, Fielder, Hansen, Hinkle, Howard, Keane, Rosendale, Sales, Sesso, Smith, Taylor, Vance, Vincent, Webb.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 259, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Fielder, Hansen, Hinkle, Howard, Kary, Keane, Sales, Smith, Taylor, Vance.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 312, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 36

Nays: Blasdel, D. Brown, Fielder, Howard, Kary, Keenan, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 375, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hinkle, Hoven, Howard, Jones, Kary, Keane, Moore, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 387, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 40

Nays: Caferro, Cohenour, Facey, Kaufmann, Malek, Moe, Phillips, Pomnichowski, Whitford, Wolken.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 510 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 32

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 590 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 628 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 13 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 32

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 204, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 270, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Fielder introduced two members of the Zylawy Brothers Band from Superior, Montana. Wyatt is a Page in the House of Representatives this week and brother Roman is on leave from service in the U.S. Coast Guard. A third brother, also in the U.S. Coast Guard, was unable to obtain leave. The brothers sang and played for the Senate.

Senator Dick Barrett rose on a point of personal privilege and explained he was a good friend of the Zylawy brothers' grandfather who, he believed, would be proud of his grandsons today.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Brenden, Chair): 4/21/2015
SR 30, be adopted. Report adopted.
SR 31, be adopted. Report adopted.
SR 44, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 353**
Report No. 001, April 22, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 353** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 353** (reference copy -- salmon) be amended as follows:

1. Page 1, line 14.
Strike: "Except" through "the"
Insert: "The"

2. Page 1, line 16 through line 17.
Strike: "Until" on line 16 through "at" on line 17
Insert: "At"

3. Page 1, line 18 through line 19.
Strike: "Once" on line 18 through "fifty" on line 19
Insert: "Fifty"

4. Page 1, line 21.
Strike: "EIGHTY"
Insert: "at least seventy-five"
Strike: "(80%)"
Insert: "(75%)"
Strike: "balance"
Insert: "tax"

5. Page 1, line 22.
Following: "fund,"
Insert: "a subtrust within the trust fund,"
Strike: "TWENTY" through "(20%)"
Insert: "portion"
Strike: "transferred"
Insert: "deposited"

6. Page 1, line 24.
Strike: "(b) Principal and interest"
Insert: "Interest"

7. Page 1, line 26 through line 27.
Strike: subsection (3) in its entirety

For the Senate:	For the House:
Ripley, Chair	G. Bennett, Vice Chair
Facey	Lieser
Rosendale	Noland

Senator Ripley moved adoption of the committee report. Report adopted.

FREE CONFERENCE COMMITTEE
on **Senate Bill 410**
Report No. 001, April 21, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 410** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 410** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 14.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"
Strike: "A RETROACTIVE"
Insert: "AN"

2. Page 9, line 7.
Strike: "2015"
Insert: "2016"

3. Page 9, line 8.
Strike: "2016"
Insert: "2017"

4. Page 10, line 19.
Strike: "2015"
Insert: "2016"

5. Page 10, line 20.
Strike: "2016"
Insert: "2017"

6. Page 26, line 23.
Following: line 22
Insert: "COORDINATION SECTION. **Section 29. Coordination instruction.** If both Senate Bill No. 171 and [this act] are passed and approved and if [this act] contains a section that amends 15-30-2110 and Senate Bill No. 171 contains a section that repeals 15-30-2110, then [section 1] of Senate Bill No. 171 must be amended as follows:

"NEW SECTION. **Section 1. Adjustments to federal taxable income to determine Montana taxable income.** (1) The items in subsection (2) are added to and the items in subsection (3) are subtracted from federal taxable income to determine Montana taxable income.

(2) The following are added to federal taxable income:

(a) to the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest dividends attributable to that interest except to the extent already included in federal taxable income;

(b) a withdrawal from a medical care savings account provided for in Title 15, chapter 61, used for a purpose other than an eligible medical expense or long-term care of the employee or account holder or a dependent of the employee or account holder;

(c) a nonqualified withdrawal from a family education savings account provided for in Title 15, chapter 62, to the extent that it was deducted from income in calculating Montana individual income taxes;

(d) a withdrawal from a first-time home buyer savings account provided for in Title 15, chapter 63, used for a purpose other than for eligible costs for the purchase of a single-family

residence;

(e) an item of income, deduction, or expense to the extent that it was used to calculate federal taxable income if the item was also used to calculate a credit against a Montana income tax liability;

(f) a deduction or expense upon which a state tax credit is computed under 33-22-2006 to the extent that it was included as a deduction or expense in determining federal taxable income;

(g) a deduction for an income distribution from an estate or trust to a beneficiary that was included in the federal taxable income of an estate or trust in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661; and

(h) for a taxpayer that deducts state income taxes pursuant to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3), an additional amount equal to the state income tax deduction claimed, not to exceed the amount required to reduce the federal itemized amount computed under section 161 of the Internal Revenue Code, 26 U.S.C. 161, to the amount of the federal standard deduction allowable under section 63(c) of the Internal Revenue Code, 26 U.S.C. 63(c).

(3) To the extent they are included as income or gain or not already excluded as a deduction or expense in determining federal taxable income, the following are subtracted from federal taxable income:

(a) if exempt from taxation by Montana under federal law:

(i) interest from obligations of the United States government and exempt-interest dividends attributable to that interest; and

(ii) railroad retirement benefits;

(b) salary received from the armed forces by residents who entered into active duty from Montana and are serving on active duty in the regular armed forces;

(c) interest and other income related to contributions that were made prior to January 1, 2016, that are retained in a medical care savings account provided for in Title 15, chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the employee or account holder or a dependent of the employee or account holder;

(d) interest and other income related to contributions that were made prior to January 1, 2016, that are retained in a family education savings account provided for in Title 15, chapter 62, and any qualified withdrawal for payment of qualified higher education expenses;

(e) interest and other income related to contributions that were made prior to January 1, 2016, that are retained in a first-time home buyer savings account provided for in Title 15, chapter 63, and any withdrawal for payment of eligible costs for the first-time purchase of a single-family residence;

(f) a deduction for an income distribution from an estate or trust to a beneficiary in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to the additions and subtractions in subsections (2), ~~and~~ (3)(a) through (3)(e), ~~and~~ (3)(g), and (3)(h); ~~and~~

(g) for each taxpayer that has attained the age of 65, an additional subtraction of $6,400; and

(h) the amount of a scholarship to an eligible student by a student scholarship organization pursuant to [section 10 of Senate Bill No. 410].

(4) By November 1 of each year, the department shall multiply the subtraction from federal taxable income for a taxpayer that has attained the age of 65 contained in subsection (3)(g) by the inflation factor for that tax year, rounding the result to the nearest $10. The resulting amount is

effective for that tax year and must be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g)."""
Renumber: subsequent sections

7. Page 26, line 28.
Strike: "on passage and approval"
Insert: "January 1, 2016"

8. Page 26, line 30 through page 27, line 1.
Strike: "**Retroactive applicability**"
Insert: "**Applicability**"
Strike: "retroactively, within the meaning of 1-2-109,"
Strike: "2014"
Insert: "2015"

9. Page 27, line 3.
Strike: "2021"
Insert: "2023"

For the Senate:	For the House:
L. Jones, Chair	Laszloffy, Vice Chair
Hamlett	McClafferty
Hansen	Osmundson

Senator Jones moved adoption of the committee report. Report adopted.

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 512**
Report No. 001, April 22, 2015

Ms. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 512** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 512** (reference copy -- salmon) be amended as follows:

1. Page 2, line 8.
Strike: "$1.2 million"
Insert: "$476,000"
Strike: "ONE TIME ONLY"

2. Page 1, line 12.
Following: line 11

Insert: "(3) There is appropriated $724,000 from the general fund one time only to the department of justice for the biennium beginning July 1, 2015, for equipment for the eastern Montana branch of the laboratory of criminalistics in Yellowstone County. Unspent funds revert to the general fund."

For the Senate:	For the House:
Hansen, Chair	Mortensen, Vice Chair
Webb	D. Jones
Wolken	McCarthy

Senator Hansen moved adoption of the committee report. Report adopted.

MESSAGES FROM THE GOVERNOR

April 21, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 336 (SB 336), "AN ACT GENERALLY REVISING RULEMAKING PROCEDURES; REQUIRING THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES INCLUDE CERTAIN INFORMATION IN RULEMAKING NOTICES PERTAINING TO THE DELIVERY OF MEDICAID SERVICES; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PREPARE AND ELECTRONICALLY SEND A STATEMENT OF FINDINGS TO INTERESTED PERSONS CONCERNING THE RULE'S INTENDED OUTCOMES WITHIN A YEAR AFTER THE RULE'S EFFECTIVE DATE IF THE RULE PERTAINS TO THE DELIVERY OF MEDICAID SERVICES; PROVIDING EXCEPTIONS; ALLOWING AN IMPACTED BUSINESS, IMPACTED CONTRACTOR, OR ELECTED OFFICIAL TO REQUEST AND RECEIVE AN ECONOMIC IMPACT STATEMENT FOR RULES PROPOSED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AMENDING PAYMENTS THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IS ENTITLED TO COLLECT FROM CERTAIN PROVIDERS; AMENDING SECTIONS 2-4-405 AND 53-6-111, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

SB 336 contains two, unrelated subjects. Sections 1 and 2 would revise the administrative rulemaking for the Department of Public Health and Human Services (DPHHS). Section 3 amends MCA Section 53-6-11, which addresses Medicaid overpayment recovery process.

Section 1 demands that DPHHS provide, measure, and report on the intended outcomes of "a proposed substantive rule concerning the delivery of Medicaid services." Although I am supportive of efforts to provide performance-based metrics within the Medicaid program, many DPHHS rules regarding Medicaid services simply do not lend themselves to performance-based measurement, such as rules which merely implement federal requirements as a condition of continued federal funding. My proposed amendment to SB 336 would limit this new rule-making requirement to those rules whose reasons and rationale can be assessed by performance-based measures, and explicitly exempts rules implementing rate increases or federal law or regulation.

Section 2 of SB 336 is not acceptable. Section 2 amends MCA section 2-4-405 to grant any impacted business, contractor, or elected official the right to demand that DPHHS prepare and provide a completed economic impact statement for any proposed rule. Preparing an economic impact statement is not a trivial undertaking. The request for such a statement properly should remain within the purview of an administrative rule committee or legislators, as is the case under current law. Existing law also requires that every agency, including DPHHS, afford persons the ability to comment on and to submit information regarding effects (including economic effects) proposed rule action might have on them and their businesses. Simply put, current law adequately satisfies the needs addressed in Section 2. Allowing individuals, businesses and any and all elected officials to request an economic impact statement for any rule promulgated under Medicaid will create inefficiencies and inappropriately interfere with effective government. My amendment to SB 336 strikes Section 2 in its entirety.

Section 3's amendments to MCA section 53-6-111 are, in large part, acceptable. My proposed amendment reinserts the phrase "provider error" into subsection 2(a)(i) to make it clear that the Department continues to be entitled to recover overpayments that are the result of provider error. Although I agree that a provider should not be held liable for overpayments based on reasonable interpretation of billing codes, my proposed amendment clarifies that the burden of proving the reasonableness of the interpretation falls on the provider. By comparison, current law puts the burden on a provider to show that the Department's interpretation of the relevant rule is unreasonable.

With my proposed amendments, I support the additional accountability measures contained in SB 336.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 336** (reference copy -- salmon) are as follows:

1. Title, page 1, line 10 through line 13.

Strike: "ALLOWING" on line 10 through "SERVICES;" on line 13

2. Title, page 1, line 14 through line 15.
Strike: "SECTIONS" on line 14 through "2-4-405 AND" on line 15
Insert: "SECTION"

3. Page 1, line 19.
Strike: "The"
Insert: "Except for rules implementing rate increases or implementing federal law or regulation, the"

4. Page 1, line 20.
Strike: "substantive"

5. Page 1, line 22.
Following: "(a)"
Insert: "a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if such an assessment can be made,"

6. Page 2, line 1.
Strike: "promulgate"
Insert: "post"
Following: "findings"
Strike: "to the department's list of interested persons via electronic notification"
Insert: "on its website"

7. Page 2, line 9 through page 3, line 28.
Strike: section 2 in its entirety
Renumber: subsequent sections

8. Page 4, line 10.
Strike: "unreasonable" through "code"
Insert: "error or if the provider's interpretation of the pertinent rule or billing code is not reasonable"

9. Page 4, line 13 through line 19.
Strike: subsection (b) in its entirety
Insert: "(b) If the decision regarding the amount of a payment to which the provider was not entitled depends on an interpretation of a pertinent rule or billing code, the provider has the burden of proving that its interpretation is reasonable and consistent with:

(i) the information given to providers in any applicable Montana medicaid provider rules or manual, including but not limited to the Coding Resources identified in or incorporated by reference in any applicable Montana medicaid provider rule or manual; and

(ii) any written interpretations by the department that were in existence at the time payment was made to the provider."

MESSAGES FROM THE OTHER HOUSE

Senate joint resolutions concurred in and returned to the Senate: 4/21/2015

SJ 20, introduced by B. Tutvedt
SJ 21, introduced by T. Facey

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/21/2015

SJ 2, introduced by B. Hamlett

Senate bills not concurred in and returned to the Senate: 4/21/2015

SB 107, introduced by T. Brown
SB 118, introduced by B. Hamlett

Senate amendments to House bills concurred in: 4/21/2015

HB 11, introduced by M. Cuffe
HB 114, introduced by M. Miller
HB 115, introduced by M. Funk
HB 123, introduced by D. Jones
HB 389, introduced by J. Essmann
HB 575, introduced by T. Burnett

SB 171 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 171:**

4/21/2015

Representative Redfield, Vice Chair
Representative Hertz
Representative Williams

SB 260 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 260:**

4/21/2015

Representative Laszloffy, Vice Chair
Representative McClafferty
Representative Monforton

SB 353 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 353:**

4/21/2015

Representative G. Bennett, Vice Chair
Representative Lieser
Representative Noland

SB 354 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 354:**

4/21/2015

Representative G. Bennett, Vice Chair
Representative Lieser
Representative Noland

SB 410 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 410:**

4/21/2015

Representative Laszloffy, Vice Chair
Representative McClafferty
Representative Osmundson

SB 418 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 418:**

4/21/2015

Representative Ballance, Vice Chair
Representative Noonan
Representative Osmundson

HB 6 - The House failed to concur in Senate amendments to **HB 6,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 6:**

4/21/2015

Representative Cuffe, Vice Chair
Representative Hagstrom
Representative Tropila

HB 191 - The House failed to concur in Senate amendments to **HB 191,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 191:**

4/22/2015

Representative Eck, Vice Chair
Representative Doane
Representative Ehli

HB 512 - The House failed to concur in Senate amendments to **HB 512,** authorized the Speaker

to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 512:**

4/21/2015

Representative Mortensen, Vice Chair
Representative D. Jones
Representative McCarthy

HB 33 - The House failed to concur in the Governor's amendments to **HB 33,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on Governor's amendments to **HB 33:**

4/21/2015

Repre sentative Ehli, Vice Chair
Representative Burnett
Representative Schreiner

SB 138, introduced by B. Hoven - Conference Committee Report No.1 **not** adopted: 4/21/2015

MOTIONS

Senator Windy Boy moved the Senate suspend the rules for the purpose of accepting a late transmittal of **SB 272** as amended by the House and that **SB 272** be brought before the Committee of the Whole this date. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 33**. Without objection, so ordered. President Barrett appointed:

4/22/2015

Senator Keane, Chair
Senator Caferro

Senator Thomas

Majority Leader Rosendale moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 6**. Motion carried. President Barrett appointed:

4/22/2015

Senator Ripley, Chair
Senator Keenan
Senator Wolken

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hamlett in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 252 - **House Amendments** - Senator L. Jones moved House amendments to **SB 252** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 396 - **House Amendments** - Senator Buttrey moved House amendments to **SB 396** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Wolken, Ms. President.

Total 45

Nays: Cohenour, Kaufmann, Stewart-Peregoy, Vuckovich, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 411 - **House Amendments** - Senator Caferro moved House amendments to **SB 411** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Ankney, Cohenour, Facey, Keane, Sesso.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 306 - **Governor's Amendments** - Senator Whitford moved Governor's amendments to **HB 306** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Blasdel, Brenden, Hansen, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 28 - **Conference Committee Report No. 1** - Senator Wolken moved the Conference Committee report to **HB 28** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Hinkle, Kary, Sales, Smith, Vance, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 - **House Amendments** - Senator Windy Boy moved House amendments to **SB 272** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Brenden, Howard, Kary, Sales, Smith, Vance, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Pro Tempore Moore presiding. Chair Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Rosendale moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 191**. Motion carried. President Pro Tempore Moore appointed:

4/22/2015

Senator Keenan, Chair
Senator Caferro
Senator Swandal

SPECIAL ORDERS OF THE DAY

SR 5 - Senator Vincent moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 5**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 37

Nays: Arntzen, Blasdel, Fielder, Hansen, Hinkle, Keenan, Sales, Smith, Swandal, Taylor, Vance, Webb, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 34 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 34**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Fielder, Swandal.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 46 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 46**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Rosendale, Sales, Thomas.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 50 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 50**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas,

Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 54 - Senator Buttrey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 54**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 55 - Senator Buttrey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 55**. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 32

Nays: Ankney, Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb.
Total 18

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SR 56 - Senator Arntzen moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 56**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 57 - Senator Thomas moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 57**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 58 - Senator Thomas moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 58**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

President Debby Barrett made her farewell remarks to the Senate. Following her remarks, Minority Leader Sesso and Senator Taylor presented the President with a silver pin.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, April 23, 2015, the eighty-third legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
EIGHTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 23, 2015 — State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS 4/23/2015

Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the seventy-first through the seventy-fifth legislative days, find the same to be correct.

Correctly printed: **SR 30**, **SR 31**, **SR 44**.
Correctly enrolled: **SB 259**, **SB 312**, **SB 375**, **SB 387**, **SB 399**, **SR 5**, **SR 34**, **SR 46**, **SR 55**, **SR 57**.
Examined by the sponsor and found to be correct: **SB 100**, **SB 122**, **SB 175**, **SB 245**, **SB 259**, **SB 284**, **SB 312**, **SB 375**, **SB 387**, **SB 399**, **SR 5**, **SR 34**, **SR 46**, **SR 55**, **SR 57**, **SJ 20**, **SJ 21**.
Signed by the Secretary of the Senate at 4:05 p.m., April 22, 2015: **SB 83**, **SB 188**, **SB 334**, **SR 52**, **SJ 24.**
Signed by the President at 8:00 a.m., April 23, 2015: **SB 83**, **SB 188**, **SB 334**, **SR 52**, **SJ 24**.
Signed by the Secretary of the Senate at 4:10 p.m., April 23, 2015: **SB 100**, **SB 175**, **SB 284**, **SB 399**, **SR 34**, **SR 46**, **SR 55**, **SR 57**.
Signed by the Speaker at 2:25 p.m., April 23, 2015: **SB 262**.
Delivered to the Secretary of State at 10:46 a.m., April 23, 2015: **SR 52**.
Delivered to the Governor for approval at 2:50 p.m., April 23, 2015: **SB 262**.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 138**
Report No. 002, April 22, 2015

Ms. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 138** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 138** (reference copy -- salmon) be amended as follows:

1. Page 2, line 6.
Strike: "ACTS REASONABLY AND"

2. Page 3, line 25.
Strike: "ACTS REASONABLY AND"

3. Page 4, line 6.
Strike: "ACTS REASONABLY AND"

For the Senate:	For the House:
Hoven, Chair	Berry, Vice Chair
Larsen	Fitzpatrick
Webb	Mehlhoff

Senator Hoven moved to adopt the committee report. Report adopted.

FREE CONFERENCE COMMITTEE
on **Senate Bill 171**
Report No. 001, April 22, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 171** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 171** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13.
Strike: "LOWERING" through "RATES;"

2. Title, page 1, line 29.
Strike: "15-31-121,"

3. Title, page 2, line 11.
Following: the first "DATES"
Insert: ","
Strike: "AND"
Following: the second "DATES"
Insert: ", AND A TERMINATION DATE"

4. Page 4, line 2.
Following: "(3)(g)"
Insert: "and (3)(h)"

5. Page 4, line 3.
Following: "$6,400"
Insert: "; and
(h) the amount of any refund or credit for overpayment of income taxes imposed by this state or any other taxing jurisdiction to the extent included in gross income for federal income tax

purposes but not previously allowed as a deduction for Montana income tax purposes"

6. Page 19, line 24.
Strike: "$43,400"
Insert: "$41,000"

7. Page 19, line 25.
Strike: "$43,400"
Insert: "$41,000"

8. Page 19, line 27.
Strike: "$32,550"
Insert: "$30,750"

9. Page 19, line 28.
Strike: "$32,550"
Insert: "$30,750"

10. Page 20, line 1.
Strike: "$21,700"
Insert: "$20,500"

11. Page 20, line 2.
Strike: "$21,700"
Insert: "$20,500"

12. Page 20, line 5.
Strike: "$21,700"
Insert: "$20,500"

13. Page 20, line 6.
Strike: "$21,700"
Insert: "$20,500"

14. Page 22, line 1.
Insert: "Section 20. Section 15-30-2113, MCA, is amended to read:

"15-30-2113. Determination of status -- effect of ~~marital~~ status elections. For purposes of this chapter:

(1) the determination of ~~whether an individual is married must be made as of the close of the individual's tax year, except that if the individual's spouse dies during the individual's tax year, the determination must be made as of the time of death~~ marital status, dependent status, status as an association, partnership, or individual, and any other status must be made as provided in the Internal Revenue Code; ~~and~~

~~(2) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married.~~

(2) the status that a taxpayer claims or elects in a federal income tax return with respect to the taxpayer or another individual or that the taxpayer or other individual is determined to have for federal income tax purposes conclusively determines the status of that individual; and

(3) a joint Montana individual income tax return must be filed for any tax year for which a joint federal income tax return is filed unless one of the individuals is a nonresident for any part of the tax year.""

Renumber: subsequent sections

15. Page 40, line 12 through line 18.
Strike: section 38 in its entirety
Renumber: subsequent sections

16. Page 81, line 1.
Strike: line 1

17. Page 81, line 9 through line 13.
Strike: line 9 through line 13

18. Page 82, line 16.
Following: line 15
Insert: "NEW SECTION. **Section 69. Repealer.** The following sections of the Montana Code Annotated are repealed:
15-30-2319. Credit for energy-conserving investments.
15-32-109. Credit for energy-conserving expenditures.
15-32-115. Credit for geothermal system -- to whom available -- eligible costs -- limitations.
15-32-201. Amount of credit -- to whom available.
15-32-202. Taxable years in which credit may be claimed -- carryover.
15-32-203. Department to make rules."

19. Page 84, line 30 through page 87, line 10.
Strike: section 72 in its entirety
Insert: "COORDINATION SECTION. **Section 73. Coordination instruction.** If House Bill No. 359 and [this act] are passed and approved and if [this act] contains a section that repeals 15-30-2110, then [section 1(4) of Senate Bill No. 171] must be amended as follows:

(4) By November 1 of each year, the department shall multiply the subtraction from federal taxable income for a taxpayer that has attained the age of 65 contained in subsection (3)(g) by the inflation factor for ~~that~~ the following tax year, rounding the result to the nearest $10. The resulting amount is effective for that following tax year and must be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g)."

Insert: "COORDINATION SECTION. **Section 74. Coordination instruction.** If Senate Bill No. 399 and [this act] are passed and approved and if [this act] contains a section that repeals 15-30-2110, then [section 1(3) of Senate Bill No. 171] must be amended to insert subsection (3)(i) that reads as follows:

(i) a reduction for contributions to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained

by another state as provided by section 529A(e)(7) of the Internal Revenue Code, 26 U.S.C. 529A(e)(7). The reduction must be the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in federal taxable income under this subsection (3)(i) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident."
Renumber: subsequent sections

20. Page 93, line 29.
Strike: "$43,400"
Insert: "$41,000"

21. Page 93, line 30.
Strike: "$43,400"
Insert: "$41,000"

22. Page 94, line 2.
Strike: "$32,550"
Insert: "$30,750"

23. Page 94, line 3.
Strike: "$32,550"
Insert: "$30,750"

24. Page 94, line 6.
Strike: "$21,700"
Insert: "$20,500"

25. Page 94, line 7.
Strike: "$21,700"
Insert: "$20,500"

26. Page 94, line 10.
Strike: "$21,700"
Insert: "$20,500"

27. Page 94, line 11.
Strike: "$21,700"
Insert: "$20,500"

28. Page 97, line 3.
Following: line 2
Insert: "COORDINATION SECTION. **Section 80. Coordination instruction.** If Senate

Bill No. 378 and [this act] are both passed and approved and if [this act] repeals 15-30-2117, then [section 1(3)(b) of Senate Bill No. 171] is amended as follows:

(b) (i) salary received from the armed forces by residents who entered into active duty from Montana and are serving on active duty in the regular armed forces;

(ii) salary received by residents of Montana for active duty in the national guard as provided in subsection (4);"

Insert: "COORDINATION SECTION. **Section 81. Coordination instruction.** If Senate Bill No. 378 and [this act] are both passed and approved and if [this act] repeals 15-30-2117, then [section 1 of Senate Bill No. 171] is amended to insert subsection (4) that reads as follows:

(4) For the purposes of subsection (3)(b)(ii), "active duty" means duty performed under an order issued to a national guard member pursuant to:

(a) Title 10 U.S.C.; or

(b) Title 32 U.S.C. for a homeland defense activity, as defined in Title 32 U.S.C. 901, or a contingency operation, as defined in 10 U.S.C. 101, and the person was a member of a unit engaged in a homeland defense activity or contingency operation."

Renumber: subsequent sections

29. Page 97, line 7.
Strike: "JANUARY 1"
Insert: "December 31"

30. Page 97, line 10.
Following: line 9
Insert: "NEW SECTION. **Section 83. Instruction to code commissioner -- amend internal references in coordinated sections.** If Senate Bill No. 399 and [this act] are passed and approved, the code commissioner shall amend [section 1(3)(f) of Senate Bill No. 171] to include the internal reference to subsection (3)(i)."
Renumber: subsequent sections

31. Page 97, line 15.
Strike: "SUBSECTION"
Insert: "subsections"
Following: "(2)"
Insert: "through (4)"

32. Page 97, line 17.
Strike: "25" through "81"
Insert: "26, 27, 49, 72, and 84 through 87"

33. Page 97, line 19.
Following: line 18
Insert: "(3) [Section 69] is effective December 31, 2016.

(4) [Sections 21, 43, and 44] are effective January 1, 2017."

34. Page 97, line 22.

Strike: "25,"
Following: "26,"
Insert: "27,"

35. Page 97, line 24.
Following: line 23
Insert: "NEW SECTION. **Section 87. Termination.** [Sections 20, 26, and 27] terminate December 31, 2016."

For the Senate:	For the House:
Tutvedt, Chair	Redfield, Vice Chair
Dick Barrett	Hertz
Thomas	Williams

Senator Tutvedt moved to adopt the committee report. Report adopted.

FREE CONFERENCE COMMITTEE
on **Senate Bill 260**
Report No. 001, April 23, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 260** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 260** (reference copy -- salmon) be amended as follows:

1. Page 13, line 14.
Strike: "2024"
Insert: "2019"

For the Senate:	For the House:
F. Moore, Chair	Laszloffy, Vice Chair
Facey	McClafferty
Rosendale	Monforton

Senator Moore moved to adopt the committee report. Report adopted.

MESSAGES FROM THE GOVERNOR

April 22, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Wednesday, April 22, 2015, I signed the following bills:

Senate Bill 238 - M. Blasdel
Senate Bill 289 - D. Ankney

These bills were delivered to the Secretary of State's Office today.

I am returning Senate Bill 336 - B. Keenan with amendments.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/23/2015

SB 211, introduced by E. Buttrey
SB 233, introduced by M. Caferro

Senate joint resolution concurred in and returned to the Senate: 4/22/2015

SJ 12, introduced by P. Connell

Senate joint resolution concurred in and returned to the Senate: 4/23/2015

SJ 22, introduced by R. Webb

House joint resolution passed and transmitted to the Senate for concurrence: 4/23/2015

HJ 29, introduced by A. Olsen

Senate amendments to House bills concurred in: 4/22/2015

HB 7, introduced by M. Cuffe
HB 9, introduced by M. Cuffe
HB 219, introduced by J. Essmann
HB 487, introduced by D. Jones

Senate amendments to House bills concurred in: 4/23/2015

HB 4, introduced by N. Ballance
HB 140, introduced by J. Welborn
HB 150, introduced by K. Flynn
HB 156, introduced by M. Miller
HB 167, introduced by J. Welborn
HB 223, introduced by C. Clark
HB 228, introduced by T. Berry
HB 300, introduced by K. White
HB 403, introduced by D. Hagstrom
HB 423, introduced by S. Staffanson
HB 463, introduced by K. McCarthy
HB 464, introduced by Z. Brown
HB 488, introduced by K. Regier
HB 496, introduced by K. White
HB 560, introduced by G. Hertz
HB 599, introduced by L. Randall
HB 604, introduced by E. Greef
HB 617, introduced by S. Lavin
HB 627, introduced by R. Brodehl

HB 10 - The House failed to concur in Senate amendments to **HB 10,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 10:**

4/23/2015

Representative McCarthy, Vice Chair
Representative Ehli
Representative Lavin

Conference Committee Report No.1 adopted: 4/22/2015

HB 118, introduced by B. Bennett
HB 211, introduced by K. Wagoner
HB 226, introduced by T. Richmond

Conference Committee Report No.1 adopted: 4/23/2015

HB 28, introduced by J. Eck

Free Conference Committee Report No.1 adopted: 4/22/2015

SB 261, introduced by B. Hamlett
SB 385, introduced by R. Webb

Free Conference Committee Report No.1 adopted: 4/23/2015

SB 283, introduced by J. Brenden
SB 389, introduced by B. Hamlett

MOTIONS

Majority Leader Rosendale moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 10**. Motion carried. President Barrett appointed:

4/23/2015

Senator Ripley, Chair
Senator Blasdel
Senator Caferro

Senator Vuckovich moved that **HJ 26** be taken from Public Health, Welfare and Safety and brought before the Committee of the Whole this date. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Nays: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 29, introduced by A. Olsen, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thomas in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJ 21 - Senator Moe moved **HJ 21** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Blasdel, Connell, Driscoll, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 23 - Senator Webb moved **HJ 23** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Rosendale, Sesso, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Blasdel, Caferro, Cohenour, Connell, Hansen, Kaufmann, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 27 - Senator Webb moved **HJ 27** be concurred in. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Ankney, Barrett Dick, Buttrey, Cohenour, Connell, Driscoll, Facey, Hansen, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 2 - **House Amendments** - Senator Hamlett moved House amendments to **SJ 2** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Driscoll.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 - **Free Conference Committee Report No. 1** - Senator Brenden moved the Free Conference Committee report to **SB 283** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 389 - **Free Conference Committee Report No. 1** - Senator Hamlett moved the Free Conference Committee report to **SB 389** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 353 - **Free Conference Committee Report No. 1** - Senator Ripley moved the Free Conference Committee report to **SB 353** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 353, which requires an affirmative vote of 2/3 of the entire legislature, will proceed to third reading with the mathematical possibility of obtaining the required vote.

SB 410 - **Free Conference Committee Report No. 1** - Senator L. Jones moved the Free Conference Committee report to **SB 410** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Windy Boy, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 171 - **Free Conference Committee Report No. 1** - Senator Tutvedt moved the Free Conference Committee report to **SB 171** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 31

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 138 - **Conference Committee Report No. 2** - Senator Hoven moved the Conference Committee report to **SB 138** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 38

Nays: Barrett Dick, D. Brown, Cohenour, Driscoll, Facey, Kaufmann, Malek, Moe, Phillips, Pomnichowski, Sands, Wolken.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 336 - **Governor's Amendments** - Senator Keenan moved Governor's amendments to **SB 336** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 512 - **Conference Committee Report No. 1** - Senator Hansen moved the Conference Committee report to **HB 512** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb,

Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Fielder, Hinkle, Howard, Sales, Vance, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 252, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Tutvedt.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Brenden, Howard, Kary, Sales, Smith, Swandal, Vance, Webb.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 396, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vincent, Webb, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Blasdel, Cohenour, Hinkle, Kaufmann, Malek, Stewart-Peregoy, Vance, Vuckovich, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 411, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Cohenour, Driscoll, Facey, Keane, Sesso, Tutvedt.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 28, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Blasdel, Kary, Rosendale, Sales, Smith, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 306, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 32

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale,

Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 6**
Report No. 001, April 23, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 6** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 6** (reference copy -- salmon) be accepted by the House.

For the Senate:	For the House:
Ripley, Chair	Cuffe, Vice Chair
Keenan	Hagstrom
Wolken	Tropila

Senator Ripley moved to adopt the committee report. Report adopted.

FREE CONFERENCE COMMITTEE
on **House Bill 33**
Report No. 001, April 23, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 33** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 33** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.
Following: "COUNTIES;"
Insert: "REDUCING LOCAL GOVERNMENT ENTITLEMENT SHARE PAYMENTS AND

CERTAIN CALCULATIONS FOR THE PURPOSE OF PROVIDING FUNDING;"

2. Title, page 1, line 8.
Strike: "SECTION"
Insert: "SECTIONS 15-1-121 AND"

3. Page 1, line 12.
Following: line 11
Insert: "Section 1. Section 15-1-121, MCA, is amended to read:

"15-1-121. Entitlement share payment -- purpose -- appropriation. (1) As described in 15-1-120(3), each local government is entitled to an annual amount that is the replacement for revenue received by local governments for diminishment of property tax base and various earmarked fees and other revenue that, pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections, and other revenue in the state treasury with each local government's share. The reimbursement under this section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain state payments with local government collections due the state and reimbursements made by percentage splits, with a local government remitting a portion of collections to the state, retaining a portion, and in some cases sending a portion to other local governments.

(2) The sources of dedicated revenue that were relinquished by local governments in exchange for an entitlement share of the state general fund were:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle, boat, and aircraft taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-317;

(v) 61-3-321;

(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;

(vii) Title 61, chapter 3, part 7;

(viii) 5% of the fees collected under 61-10-122;

(ix) 61-10-130;

(x) 61-10-148; and

(xi) 67-3-205;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);

(ii) 25-1-202;

(iii) 25-9-506; and

(iv) 27-9-103;

(e) certificate of title fees for manufactured homes pursuant to 15-1-116;

(f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;

(g) all beer, liquor, and wine taxes pursuant to:

(i) 16-1-404;

(ii) 16-1-406; and

(iii) 16-1-411;

(h) late filing fees pursuant to 61-3-220;

(i) title and registration fees pursuant to 61-3-203;

(j) veterans' cemetery license plate fees pursuant to 61-3-459;

(k) county personalized license plate fees pursuant to 61-3-406;

(l) special mobile equipment fees pursuant to 61-3-431;

(m) single movement permit fees pursuant to 61-4-310;

(n) state aeronautics fees pursuant to 67-3-101; and

(o) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.

(3) (a) Except as provided in subsection (3)(b), the total amount received by each local government in the prior fiscal year ~~2010~~ as an entitlement share payment under this section is the base component for the subsequent fiscal year ~~2011~~ distribution, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (7), is each local government's base component. ~~The~~ Subject to subsection (3)(b), the sum of all local governments' base components is the fiscal year entitlement share pool.

(b) ~~The~~ For fiscal year 2016, the fiscal year entitlement share pool is reduced by $1,049,904 ~~total amount received by each local government in fiscal year 2011 as an entitlement share payment under this section is the base component for fiscal year 2012 and 2013 distributions, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (7), is each local government's base component. The sum of all local governments' base components is the fiscal year entitlement share pool~~.

(4) (a) ~~With the exception of fiscal years 2012 and 2013~~ Subject to subsection (3)(b), the base entitlement share pool must be increased annually by an entitlement share growth rate as provided for in this subsection (4). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year~~, with the exception of fiscal years 2012 and 2013~~.

(b) By October 1 of each year, the department shall calculate the growth rate of the entitlement share pool for the current year in the following manner:

(i) The department shall calculate the entitlement share growth rate based on the ratio of two factors of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the statewide budgeting and accounting system. The first factor is the sum of the revenue for the first and second previous completed fiscal years received from the sources referred to in ~~subsection~~ subsections (2)(b), (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30, and corporate income tax as provided in Title 15, chapter 31, divided by the sum of the revenue for the second and third previous completed fiscal years received from the same

sources multiplied by 0.25.

(ii) Except as provided in subsection (4)(b)(iii), the entitlement share growth rate is the lesser of:

(A) the sum of the first factor plus the second factor; or

(B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

(iii) In no instance can the entitlement growth factor be less than 1. ~~The~~ Subject to subsection (4)(b)(iv), the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to determine the subsequent fiscal year payment.

(iv) For fiscal year 2016, the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment minus $1,049,904 to determine the subsequent fiscal year payment.

(5) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (8). The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources for which reimbursement is provided in this section. The allocation for each special district that existed in 2002 must be based on the relative proportion of the loss of revenue in 2002.

(6) (a) The entitlement share pools calculated in this section, the amounts determined under 15-1-123(2) for local governments, the funding provided for in subsection (8) of this section, and the amounts determined under 15-1-123(4) for tax increment financing districts are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments. Except for the distribution made under 15-1-123(2)(b), the distributions must be made on a quarterly basis.

(b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must be calculated separately for:

(A) counties;

(B) consolidated local governments; and

(C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the prior fiscal year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the prior fiscal year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each

consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the prior fiscal year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool before the growth amount or adjustments made under subsection (7) are applied is to be distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(7) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the department shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to the entitlement share distribution under this section. The total entitlement share distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year entitlement share pool. The ratio of each local government's distribution from the entitlement share pool must be recomputed to determine each local government's ratio to be used in the subsequent year's distribution determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

(8) (a) Except for a tax increment financing district entitled to a reimbursement under 15-1-123(4), if a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any funding. If a tax increment financing district referred to in subsection (8)(b) terminates, then the funding for the district provided for in subsection (8)(b) terminates.

(b) Except for the reimbursement made under 15-1-123(4)(b), one-half of the payments provided for in this subsection (8)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (8)(a), the entitlement share for tax increment financing districts is as follows:

Deer Lodge	TIF District 1	$2,833
Deer Lodge	TIF District 2	2,813
Flathead	Kalispell - District 2	4,638
Flathead	Kalispell - District 3	37,231
Flathead	Whitefish District	148,194
Gallatin	Bozeman - downtown	31,158
Missoula	Missoula - 1-1C	225,251
Missoula	Missoula - 4-1C	30,009
Silver Bow	Butte - uptown	255,421

(9) The estimated fiscal year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from tax increment financing districts, from countywide transportation block grants, or from countywide retirement block

grants.

(10) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(11) A local government may appeal the department's estimation of the base component, the entitlement share growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

(12) A payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1.""
Renumber: subsequent sections

4. Page 2, line 13.
Following: "used"
Insert: "in the following order"

5. Page 2, line 16 through line 18.
Strike: "; OR" on line 16 through "YEARS" on line 18

6. Page 2, line 21 through line 30.
Strike: "IF A COUNTY" on line 21 through "PURPOSES." on line 30
Renumber: subsequent subsections

7. Page 3, line 13.
Strike: "2"
Insert: "3"

For the Senate:	For the House:
Keenan, Chair	Ehli, Vice Chair
Caferro	Burnett
Thomas	Schreiner

Senator Keenan moved to adopt the committee report. Report adopted.

SPECIAL ORDERS OF THE DAY

SR 59 - Senator T. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 59**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski,

Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Marilyn Miller, Secretary to the Senate, Debra Polhemus, Assistant Secretary to the Senate, and Donna O'Neill, Secretary to the President, presented remembrances of the 2015 session to President Debby Barrett. A voting box from an original Senate desk was a special gift as was a scroll which carries the names of Senate presidents from 1889 through the current date.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate stand in recess until 5:30 p.m. this date. Motion carried.

Senate recessed at 2:20 p.m.

=====

Senate reconvened at 5:40 p.m. Forty-eight members present, Senators Buttrey and Howard excused. Quorum present.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 4/23/2015
HJ 29, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 10**
Report No. 001, April 23, 2015

Ms. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 10** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 10** (reference copy -- salmon) be amended as follows:

1. Page 3, line 2.
Strike: "1,500,000" in both places
Insert: "$1,000,000" in both places

2. Page 3, line 5.
Strike: "3,000,000"
Insert: "2,000,000"
Strike: "27,000,000"
Insert: "18,000,000"
Strike: "30,000,000"
Insert: "20,000,000"

3. Page 3, line 12.
Strike: "$11.8"
Insert: "$10.3"

4. Page 4, line 3.
Strike: "or third parties"

5. Page 4, line 6.
Following: "Efficiencies."
Insert: "(1)"

6. Page 4, line 9.
Following: line 8
Insert: "(2) State agencies are authorized to utilize existing appropriation authority to support or enhance enterprise electronic content management services."

7. Page 5, line 21.
Following: line 20
Insert: "(3) In addition to the amounts authorized in [this act], the department may utilize its existing appropriation authority to take advantage of the A-87 cost allocation waiver."

For the Senate:	For the House:
Ripley, Chair	McCarthy, Vice Chair
Blasdel	Ehli
Caferro	Lavin

Senator Ripley moved the committee report be adopted. Report adopted..

MESSAGES FROM THE GOVERNOR

April 23, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

Today I signed House Bill 250, entitled "AN ACT CLARIFYING THAT SOUND REDUCTION DEVICES MAY BE USED ON FIREARMS WHILE HUNTING WILDLIFE; AMENDING SECTION 87-6-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." When this bill first came to my office, I offered amendments that made the use of a suppressor on a firearm lawful while hunting in Montana. These amendments received strong bipartisan support in the legislature, and with my signature today HB 250 is now law.

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I do hereby veto Senate Bill 295 (SB 295), "AN ACT ELIMINATING A STATE LIMITATION ON THE USE OF SOUND REDUCTION DEVICES ON FIREARMS; AMENDING SECTIONS 87-1-201, 87-1-301, AND 87-6-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. As a result of my action today on HB 250, this bill is not necessary.

For this reason, I veto SB 295.

Sincerely,

STEVE BULLOCK
Governor

April 23, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Thursday, April 23, 2015, I signed the following bills:

Senate Bill 34 - T. Facey
Senate Bill 57 - C. Vincent
Senate Bill 168 - E. Buttrey
Senate Bill 183 - T. Brown
Senate Bill 209 - M. Rosendale
Senate Bill 219 - J. Taylor
Senate Bill 220 - C. Kaufmann
Senate Bill 221 - Debby Barrett
Senate Bill 237 - M. Blasdel
Senate Bill 240 - E. Buttrey
Senate Bill 256 - B. Hamlett
Senate Bill 270 - J. Taylor
Senate Bill 307 - S. Stewart-Peregoy
Senate Bill 330 - B. Hamlett
Senate Bill 333 - J. Hinkle
Senate Bill 361 - B. Hamlett

These bills were delivered to the Secretary of State's Office today.

I have signed **Senate Bill 224** - C. Wolken into law with the exception of Section 3, which I have line item vetoed.

I have vetoed **Senate Bill 295** - M. Blasdel.

Sincerely,

STEVE BULLOCK
Governor

April 23, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby deliver to you Senate Bill 224 (SB 224), "AN ACT CREATING A COMMISSION ON SENTENCING TO STUDY SENTENCING PRACTICES AND POLICIES; PROVIDING FOR THE SUBMISSION OF RECOMMENDATIONS TO THE LEGISLATURE BY THE COMMISSION; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE" which, except for one line-item veto, I have signed into law.

It has been 20 years since Montana has undertaken a comprehensive review of sentencing policies and our criminal justice system as SB 224 proposes to do. Much has changed in the last 20 years in the criminal justice field, and many states have undergone similar comprehensive reviews, resulting in justice reinvestment strategies that have reduced recidivism in their jails and prisons. Over the last two years, Department of Corrections Director Batista has made a commitment to implementing data-driven policies and practices within the department. The Re-Entry Task Force, created at the direction of the 2013 Legislature, has also produced a report with recommendations to reduce recidivism.

It makes sense to take this next step, bringing together law enforcement at all levels, the judicial branch, and stakeholders including victims, family members of offenders and community members. We must take a hard look at our practices and policies to ensure fair and equitable sentencing, to reduce recidivism, and to assess whether we are using Montana taxpayer dollars effectively while keeping our communities safe.

As Governor, I may line-item veto the following items in an appropriations bill: (1) a specific appropriation contained in the bill; (2) a condition that limits the use to which an appropriation may be put but only if the appropriation to which it is attached is vetoed as well; and (3) a rider. My line-item veto strikes the $28,000 appropriation from SB 224, because the Legislature has the resources needed to support the interim study without increased funding. Under HB 2, $1.3 million is appropriated to support legislative committees and activities during the interim, including studies of the kind required under SB 224.

For these reasons, I sign SB 224 into law with the exception of Section 3.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 4/23/2015

HB 8, introduced by M. Cuffe.

This bill is being transmitted after the deadline for appropriation bills and requires a 2/3 vote for the bill to be considered by the Senate.

MOTIONS

Majority Leader Rosendale moved the Senate suspend the rules for the purpose of accepting the late transmittal of **HB 8**. Acceptance of the bill requires a 2/3 vote of the Senate. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Brenden, Hinkle, Kary, Ripley, Sales, Smith, Vincent, Webb.
Total 8

Absent or not voting: None.
Total 0

Excused: Buttrey, Howard.
Total 2

Senator Vuckovich moved that **HJ 26** be taken from Public Health, Welfare and Safety and brought before the Committee of the Whole the next legislative day. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Jones, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President.
Total 20

Absent or not voting: None.
Total 0

Excused: Buttrey, Howard.
Total 2

Senator Windy Boy rose on a point of personal privilege and stated that today, with the passage of SB 272 encouraging language immersion programs passing the same day as his granddaughter's first birthday, April 23 will be a date to be remembered each year.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 8, introduced by M. Cuffe, referred to Finance and Claims.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 11:00 a.m., Friday, April 24, 2015, the eighty-fourth legislative day. Motion carried.

Senate adjourned at 5:50 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
EIGHTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 24, 2015 — State Capitol

Senate convened at 11:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Buttrey excused. Quorum present.

BILLS AND JOURNALS 4/24/2015

Correctly printed: **HB 8**, **HJ 21**, **HJ 23**, **HJ 26**, **HJ 27**, **HJ 29**.
Correctly enrolled: **SB 157**, **SB 193**, **SB 211**, **SB 233**, **SB 252**, **SB 272**, **SB 385**, **SB 411**, **SJ 12**, **SJ 22**, **SR 50**, **SR 54**, **SR 56**, **SR 58**, **SR 59**.
Examined by the sponsor and found to be correct: **SB 115**, **SB 193**, **SB 233**, **SB 252**, **SB 272**, **SB 385**, **SB 411**, **SR 56**, **SR 58**, **SR 59**, **SJ 12**, **SJ 22**.
Transmitted to the House: **HJ 21**, **HJ 26**, **HJ 27**, **HJ 29**.
Signed by the Secretary of the Senate at 7:50 a.m., April 24, 2015: **SB 122**, **SB 245**, **SB 259**, **SB 312**, **SB 375**, **SB 387**, **SJ 20**, **SJ 21**, **SR 5**.
Signed by the Secretary of the Senate at 11:50 a.m., April 24, 2015: **SB 157**, **SB 193**, **SB 211**, **SJ 12**, **SJ 22**, **SR 50**, **SR 54**, **SR 56**, **SR 58**, **SR 59**.
Signed by the President at 8:00 a.m., April 24, 2015: **SB 100**, **SB 175**, **SB 284**, **SB 399**, **SR 34**, **SR 46**, **SR 55**, **SR 57**.
Signed by the President at 8:20 a.m., April 24, 2015: **SB 122**, **SB 245**, **SB 259**, **SB 312**, **SB 375**, **SB 387**, **SJ 20**, **SJ 21**, **SR 5**.
Signed by the President at 12:24 p.m., April 24, 2015: **SR 50**, **SR 54**, **SR 56**, **SR 58**, **SR 59**, **SB 157**, **SB 193**, **SB 211**, **SJ 12**, **SJ 22**.
Signed by the Speaker at 4:40 p.m., April 24, 2015: **SB 83**, **SB 188**, **SB 334**, **SJ 24**.
Delivered to the Secretary of State at 10:33 a.m., April 24, 2015: **SR 5**, **SR 34**, **SR 46**, **SR 55**, **SR 57**.
Delivered to the Secretary of State at 2:21 p.m., April 24, 2015: **SR 50**, **SR 54**, **SR 56**, **SR 58**, **SR 59**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/24/2015
HB 8, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 354**
Report No. 001, April 24, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 354** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 354** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10 through line 11.
Strike: "REQUIRING" on line 10 through "FORMULA;" on line 11

2. Page 2, line 17.
Following: "**account**"
Insert: " **-- annual transfer to school facility and technology account**"

3. Page 2, line 27.
Following: "through 6]."
Insert: "The state treasurer shall transfer 10% of the interest earnings received from the build Montana endowment fund to the school facility and technology account established in 20-9-516 for funding projects outlined in 20-9-516(1)(c), (1)(d), and (1(f)."

4. Page 3, line 9.
Following: "5]."
Insert: "The subcommittee may establish ranking criteria for infrastructure projects."

5. Page 3, line 14 through line 15.
Strike: "BETWEEN" on line 14 through "1(F)." on line 15

6. Page 3, line 17.
Following: "approval."
Insert: "Grants for local government road and street projects may not exceed 30% of the total funds available for granting from the build Montana fund in a biennium."

7. Page 3, line 22.
Following: line 21
Insert: "(8) The department of commerce shall administer the grants approved by the legislature."

8. Page 3, line 24 through line 25.
Strike: "and the" on line 24 through "conservation" on line 25

9. Page 3, line 25.
Strike: "a list to the subcommittee"
Insert: "to the subcommittee a list"
Following: "projects"
Insert: "and a list of local government road and street projects"

10. Page 3, line 27.
Following: "to"
Insert: ": (a)"

11. Page 3, line 28.
Following: "criteria"
Insert: "for infrastructure projects that are not local government road or street projects; and
(b) the criteria established under [section 6] for local government road and street projects"

12. Page 3, line 29.
Strike: "May"
Insert: "February"
Following: "year,"
Insert: "governing bodies of"

13. Page 3, line 29 through line 30.
Strike: "organizations" on line 29 through "governments," on line 30

14. Page 3, line 30 through page 4, line 1.
Strike: "AN ENTITY" on page 3, line 30 through "SYSTEMS" on page 4, line 1
Insert: "the statewide interoperability governing board"

15. Page 4, line 1 through line 2.
Strike: "a list" on line 1 through "recommended" on line 2
Insert: "applications for infrastructure projects to the department of commerce"

16. Page 4, line 4 through line 18.
Strike: section 6 in its entirety
Insert: "NEW SECTION. **Section 6. Criteria for local government road and street project grants -- application requirements**. (1) Grants for local government road and street projects are available for:
(a) preventive maintenance;
(b) rehabilitation, including projects designed to extend the life of existing road surfaces by pothole filling, crack sealing, chip sealing, graveling, asphalting, and overlaying;
(c) restoration;
(d) construction; and
(e) reconstruction.
(3) A local government road or street project for construction improvement of a gravel road should be designed in accordance with the Montana county gravel road standards established by

the local technical assistance program at Montana state university as a minimum design standard.

(4) A local government road or street project for construction improvement of a paved street or road should be designed in accordance with the standards of the American association of state highway and transportation officials if applicable.

(5) Applications for local government road and street project grants must provide the following information:

(a) scope;

(b) schedule;

(c) budget, including the amount and source of the match requirement and the strategy for administering and tracking;

(d) roles and responsibilities of the local government; and

(e) maintenance commitment by the local government.

(6) All grant recipients for local government road and street projects under [section 3] shall comply with the provisions of Title 7, chapter 5, part 23, and Title 7, chapter 14, part 24."

For the Senate:	For the House:
Ripley, Chair	G. Bennett, Vice Chair
L. Jones	Lieser
Sesso	Noland

Senator Ripley moved adoption of the committee report. Report adopted.

FREE CONFERENCE COMMITTEE
on **Senate Bill 418**
Report No. 001, April 23, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 418** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 418** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.
Following: "ACT;"
Insert: "REVISING LAWS GOVERNING STATE EMPLOYEE COMPENSATION; PROVIDING LEGISLATIVE POLICY ON MENTAL HEALTH INVESTMENTS AS SET FORTH IN THE GENERAL APPROPRIATIONS ACT; PROVIDING FOR LEGISLATIVE INTENT REGARDING THE IMPLEMENTATION OF SENATE BILL NO. 405; AMENDING SECTIONS 2-18-301, 2-18-303, 2-18-703, 2-18-812, AND 87-1-625 MCA;"

2. Page 1, line 10.
Strike: "**Transfer**."
Insert: "**Transfers.** (1)"

3. Page 1, line 13.
Following: line 12
Insert: "(2) By June 30, 2015, there is transferred up to $2.25 million from the county oil and gas impact account within the state special revenue fund to the state general fund."

Insert: "NEW SECTION. **Section 2. Legislative policy statement for mental health investments for 2017 biennium.** (1) Pursuant to 53-21-101, in its treatment of the seriously mentally ill, it is the policy of the state of Montana to:

(a) provide each person who is suffering from a mental disorder and who requires commitment the care and treatment suited to the needs of the person and to ensure that the care and treatment are skillfully and humanely administered with full respect for the person's dignity and personal integrity;

(b) accomplish this goal whenever possible in a community-based setting;

(c) accomplish this goal in an institutionalized setting only when less restrictive alternatives are unavailable or inadequate and only when a person is suffering from a mental disorder and requires commitment; and

(d) ensure that due process of law is accorded any person coming under the provisions of this part.

(2) In order to achieve this policy, the legislature directs the department of public health and human services to meet the following objectives:

(a) to support a community-based system of care that is demonstrated through increased utilization of community-based crisis intervention services to reduce short-term admissions to the Montana state hospital;

(b) to provide and reimburse for effective prevention and treatment that enables sustainable recovery in communities, evidenced through quality assurance activities and analyses. The addictive and mental disorders division shall evaluate the delivery of recovery-focused services by providers.

(c) to improve outcomes for individuals with serious mental illness and co-occurring substance use disorders, demonstrated through data collection on individual client outcomes for recovery markers and performance measures; and

(d) to improve collaboration between community mental health providers, nursing homes, and state facilities, demonstrated through an increase in state facility discharge rates with a corresponding decrease in client recidivism to state facilities.

(3) The children, families, health,and human services interim committee shall monitor and evaluate the department's implementation of the objectives identified in this section and provide to the 65th legislature a report that outlines the status of implementation and identifies areas where continued improvement is necessary."

Insert: "NEW SECTION. **Section 3. Legislative intent.** (1) It is the intent of the legislature that the office of budget and program planning use the statewide accounting, budgeting, and human resource system to capture savings in House Bill No. 2 generated due to the implementation of Senate Bill No. 405.

(2) After medicaid expansion as authorized in Senate Bill No. 405 is implemented, the office of budget and program planning shall calculate the general fund, state special revenue, and

federal special revenue savings for each fiscal year attributable to the health insurance flexibility and accountability waiver, the federal medical assistance percentage for the medically needy, new rates for facility outside medical costs, and all net reductions in House Bill No. 2 for fiscal year 2016 and/or fiscal year 2017, transfer the savings to a separate subclass, and designate the subclass as frozen so that the generated savings may not be spent.

(3) For fiscal year 2016, the amount frozen will be determined by a pro rata share of months left in the fiscal year upon implementation. For fiscal year 2016, if savings are less than the remaining share of $11,763,918 general fund, the budget director is authorized to unfreeze appropriations necessary to prevent a supplemental request.

(4) It is the intent of the legislature that the savings revert to the fund from which they were appropriated and are subject to appropriation by future legislatures as applicable.

(5) The legislative finance committee shall review the assumptions used in the office of budget and program planning's calculations for reductions and the specific cost offsets identified by the office."

Insert: "NEW SECTION. **Section 4. Conditions for state employee group benefit plans.** As a condition for the expenditure of the funding for the biennium beginning July 1, 2015, for the state employee group benefit plans, the department of administration shall consider cost containment measures. Options for cost containment measures include but are not limited to:

(1) reviewing and consulting with appropriate experts on the following:

(a) improving primary care case management and coordinated care to improve medical outcomes and reduce costs;

(b) sharing data with providers to identify and reduce inappropriate use or overuse of services;

(c) implementing pilot programs to improve health outcomes, such as programs for addressing pain management, emergency department use, and drug or alcohol addiction or abuse;

(d) increasing the cost-efficiency of the state health clinics, including recommendations for services and controls on or review of referrals;

(e) implementing a network-based or reference-based pricing arrangement, or both, with health care facilities, health care providers, and medical transport providers, considering a multiple of medicare rates to establish a contract of network providers or as a reference-based pricing model for the arrangement; and

(f) amending contracts, to the extent possible, for the state health clinics to require copayments equal to the copayments required by the state employee group benefit plans for similar services; and

(2) requiring a contractor or third-party administrator to provide data analytics, professional expertise, and recommendations for improvement of the state employee group benefit plans to the department, the state employee group benefits advisory council, and the legislative finance committee."

Insert: **Section 5.** Section 2-18-301, MCA, is amended to read:

"**2-18-301. Intent of part -- rules.** (1) It is the intent of the legislature that compensation plans for state employees, excluding those employees excepted under 2-18-103 or 2-18-104, be based, in part, on an analysis ~~and comparison of the municipal and state government labor markets in North Dakota, South Dakota, Idaho, and Wyoming~~ of the labor markets as provided by the

department ~~from the national compensation association of state governments salary survey and other information relative to the state government salaries and compensation in those states. For the biennium beginning July 1, 2013, the department shall determine this information before pay raises are implemented. For legislative sessions following the biennium beginning July 1, 2013, the department shall submit to the office of budget and program planning as a part of the information required by 17-7-111~~ in a biennial salary survey. The salary survey must be submitted to the office of budget and program planning as a part of the information required by 17-7-111.~~:~~

~~(a) an analysis of how Montana government employee salaries and other compensation compare to the municipal and state government salaries in North Dakota, South Dakota, Idaho, and Wyoming; and~~

~~(b) an analysis of the labor market as determined by the department in a biennial salary survey.~~

(2) Pay adjustments, if any, provided for in 2-18-303 supersede any other plan or systems established through collective bargaining after the adjournment of the legislature.

(3) Total funds required to implement the pay increases, if any, provided for in 2-18-303 for any employee group or bargaining unit may not be increased through collective bargaining over the amount appropriated by the legislature.

(4) The department shall administer the pay program established by the legislature on the basis of competency, internal equity, and competitiveness to ~~the municipal and state government labor markets in North Dakota, South Dakota, Idaho, and Wyoming. The intent is to bring all pay bands to the same relationship percentage of the market rate midpoint salary comparison~~ the external labor market when fiscally able.

(5) The broadband pay plan must consist of nine pay bands. Each pay band must contain a salary range with a minimum salary and a maximum salary.

(6) Based on the biennial salary survey, the department shall:

(a) identify current market rates for all occupations;

(b) establish salary ranges for each pay band; and

(c) recommend competitive pay zones~~ with the municipal and state government labor markets in North Dakota, South Dakota, Idaho, and Wyoming using the national compensation association of state governments salary survey and other relevant information for those states~~.

(7) The department may promulgate rules not inconsistent with the provisions of this part, collective bargaining statutes, or negotiated contracts to carry out the purposes of this part.

(8) Nothing in this part prohibits the board of regents from engaging in negotiations with the collective bargaining units representing the classified staff of the university system."
{Internal References to 2-18-301:
2-6-110 }"

Insert: **Section 6.** Section 2-18-303, MCA, is amended to read:

"**2-18-303. Procedures for administering broadband pay plan.** (1) On the first day of the first complete pay period in fiscal year ~~2014~~ 2016, each employee is entitled to the amount of the employee's base salary as it was on June 30, ~~2013~~ 2015.

(2) An employee's base salary may be no less than the minimum salary of the pay band to which the employee's position is allocated.

(3) ~~Funds appropriated under section 4, Chapter 385, Laws of 2013, must be used to increase the base pay for each employee. The base pay of employees must be increased as~~

~~determined by the executive branch, including those subject to the provisions of Title 39, chapter 31, with particular attention to the lower pay bands and those who did not receive a base pay increase during the biennium beginning July 1, 2011.~~ Effective on the first day of the first complete pay period that includes January 15, 2016, the base salary of each employee must be increased by 50 cents an hour. Effective on the first day of the first complete pay period that includes January 15, 2017, the base salary of each employee must be increased by 50 cents an hour.

(4) (a) (i) A member of a bargaining unit may not receive the pay adjustment provided for in subsection (3) until the employer's collective bargaining representative receives written notice that the employee's collective bargaining unit has ratified a collective bargaining agreement.

(ii) If ratification of a collective bargaining agreement, as required by subsection (4)(a)(i), is not completed by the date on which a legislatively authorized pay increase is implemented, members of the bargaining unit must continue to receive the compensation that they were receiving until an agreement is ratified.

(b) Methods of administration consistent with the purpose of this part and necessary to properly implement the pay adjustments provided for in this section may be provided for in collective bargaining agreements.

(5) (a) Montana highway patrol officer base salaries must be established through the broadband pay plan. Before January 1 of each odd-numbered year, the department shall, after seeking the advice of the Montana highway patrol, conduct a salary survey to be used in establishing the base salary for existing and entry-level highway patrol officer positions. The county sheriff's offices in the following consolidated governments and counties are the labor market for purposes of the survey: Butte-Silver Bow, Cascade, Yellowstone, Missoula, Lewis and Clark, Gallatin, Flathead, and Dawson. The base salary for existing and entry-level highway patrol officer positions must then be determined by the department of justice, using the results of the salary survey and the department of justice pay plan guidelines. Base or biennial salary increases under this subsection are exclusive of and not in addition to any increases otherwise awarded to other state employees after July 1, 2006.

(b) To the extent that the plan applies to employees within a collective bargaining unit, the implementation of the plan is a negotiable subject under 39-31-305.

(c) The department of justice shall submit the salary survey to the office of budget and program planning as a part of the information required by 17-7-111.

(d) The salary survey and plan must be completed at least 6 months before the start of each regular legislative session."

{Internal References to 2-18-303:
2-18-301 2-18-301 2-18-304 13-37-106
15-2-102 44-1-504 }"

Insert: **Section 7.** Section 2-18-703, MCA, is amended to read:

"**2-18-703. Contributions.** (1) Each agency, as defined in 2-18-601, and the state compensation insurance fund shall contribute the amount specified in this section toward the group benefits cost.

(2) (a) For employees defined in 2-18-701 and for members of the legislature, the employer contribution for group benefits is ~~$733~~ $887 a month from January ~~2011~~ 2015 through December ~~2013~~ 2015, ~~$806~~ $976 a month from January ~~2014~~ 2016 through December ~~2014~~ 2016, and ~~$887~~ $1,054 a month ~~for~~ from January ~~2015~~ 2017 ~~and for each succeeding month~~ through December

2017.

(b) For employees defined in 2-18-701 and for members of the legislature, beginning January 2018 and for each succeeding month, the cost of group benefits, including both the employer and employee contributions for group benefits and health flexible spending accounts, may not exceed the monthly amount for self-only coverage and coverage other than self-only that will trigger the excise tax under 26 U.S.C. 4980I, including any cost-of-living adjustments under 26 U.S.C. 4980I. This section limits contributions for group benefits only to the extent needed to avoid triggering the excise tax under 26 U.S.C. 4980I.

(c) For employees of the Montana university system, the employer contribution for group benefits is ~~$806~~ $887 a month from July ~~2013~~ 2014 through June ~~2014~~ 2016 and ~~$887~~ $1,054 a month from July ~~2014~~ 2016 ~~and for each succeeding month~~ through the earlier of:

(i) June 2018; or

(ii) the month before the first month in which the excise tax under 26 U.S.C. 4980I applies.

(d) For employees of the Montana university system, beginning the earlier of July 2018 or the first month in 2018 in which the excise tax under 26 U.S.C. 4980I applies, and for each succeeding month, the cost of group benefits, including both the employer and employee contributions for group benefits and health flexible spending accounts, may not exceed the monthly amount for self-only coverage and coverage other than self-only that will trigger the excise tax under 26 U.S.C. 4980I, including any cost-of-living adjustments under 26 U.S.C. 4980I. This section limits contributions for group benefits only to the extent needed to avoid triggering the excise tax under 26 U.S.C. 4980I.

(e) If a state employee is terminated to achieve a reduction in force, the continuation of contributions for group benefits beyond the termination date is subject to negotiation under 39-31-305 and to the protections of 2-18-1205. Permanent part-time, seasonal part-time, and temporary part-time employees who are regularly scheduled to work less than 20 hours a week are not eligible for the group benefit contribution. An employee who elects not to be covered by a state-sponsored group benefit plan may not receive the state contribution. A portion of the employer contribution for group benefits may be applied to an employee's costs for participation in Part B of medicare under Title XVIII of the Social Security Act, as amended, if the state group benefit plan is the secondary payer and medicare the primary payer.

(3) For employees of elementary and high school districts, the employer's contributions may exceed but may not be less than $10 a month.

(4) (a) For employees of political subdivisions, as defined in 2-9-101, except school districts, the employer's contributions may exceed but may not be less than $10 a month.

(b) Subject to the public hearing requirement provided in 2-9-212(2)(b), the amount in excess of the base contribution of a local government's property tax levy for contributions for group benefits as determined in subsection (4)(c) is not subject to the mill levy calculation limitation provided for in 15-10-420.

(c) (i) Subject to subsections (4)(c)(ii) and (4)(c)(iii), the base contribution is determined by multiplying the average annual contribution for each employee on July 1, 1999, times the number of employees for whom the employer makes contributions for group benefits under 2-9-212 on July 1 of each fiscal year.

(ii) If a political subdivision did not make contributions for group benefits on or before July 1, 1999, and subsequently does so, the base contribution is determined by multiplying the average annual contribution for each employee in the first year the political subdivision provides contributions for group benefits times the number of employees for whom the employer makes

contributions for group benefits under 2-9-212 on July 1 of each fiscal year.

(iii) If a political subdivision has made contributions for group benefits but has not previously levied for contributions in excess of the base contribution, the political subdivision's base is determined by multiplying the average annual contribution for each employee at the beginning of the fiscal year immediately preceding the year in which the levy will first be levied times the number of employees for whom the employer made contributions for group benefits under 2-9-212 in that fiscal year.

(5) Unused employer contributions for any state employee must be transferred to an account established for this purpose by the department of administration and upon transfer may be used to offset losses occurring to the group of which the employee is eligible to be a member.

(6) Unused employer contributions for any government employee may be transferred to an account established for this purpose by a self-insured government and upon transfer may be used to offset losses occurring to the group of which the employee is eligible to be a member or to increase the reserves of the group.

(7) The laws prohibiting discrimination on the basis of marital status in Title 49 do not prohibit bona fide group insurance plans from providing greater or additional contributions for insurance benefits to employees with dependents than to employees without dependents or with fewer dependents."

{Internal References to 2-18-703:
2-9-212 x 2-9-212 x 2-9-212x 2-18-101x
2-18-101 x 2-18-107 x 2-18-812 x 5-2-303x
5-2-303 x 7-4-2502 x 15-10-420 x 19-3-108 *
20-15-225 x* 20-15-403 x}"

Insert: **Section 8.** Section 2-18-812, MCA, is amended to read:

"**2-18-812. Alternatives to conventional insurance for providing state employee group benefits authorized -- requirements.** The department may establish alternatives to conventional insurance for providing state employee group benefits. The requirements for providing alternatives to conventional insurance are as follows:

(1) The department shall maintain state employee group benefit plans on an actuarially sound basis.

(2) The department shall maintain reserves sufficient to liquidate the unrevealed claims liability and other liabilities of state employee group benefit plans.

(3) The department shall deposit all reserve funds and premiums paid to a state employee group benefit plan account within the state self-insurance reserve fund, and the deposits must be expended for claims under the plan.

(4) The department shall deposit income earned from the investment of a state employee group benefit plan's reserve fund into the account established under subsection (3) in order to offset the costs of administering the plan. ~~Expenditures for actual and necessary expenses required for the efficient administration of the plan must be made from temporary appropriations, as described in 17-7-501(1) or (2), made for that purpose.~~

(5) The department shall deposit into the account provided for in subsection (3) all portions of a state employee's salary designated by the employee to be withheld for the purposes of flexible spending account benefits as well as any employee-designated portion of the employer contribution for group benefits provided for in 2-18-703 that is not required to be used for mandatory or elected

benefits. Income earned on the deposits must be retained within the account and used for the purposes provided in this subsection. The money deposited and income earned on the deposits must be used for:

(a) payment of claims made by the employee;

(b) payment of reasonable costs of administration of the flexible spending account program;

(c) offsetting losses of the flexible spending account program; and

(d) reducing administration fees collected from participants in the program.

(6) The department shall, prior to implementation of any alternative to conventional insurance, present to the advisory council the evidence upon which the department has concluded that the alternative method will be more efficient, less costly, or otherwise superior to contracting for conventional insurance.

(7) Except as otherwise provided in Title 33, chapter 18, part 9, the provisions of Title 33 do not apply to the department when exercising the powers and duties provided for in this section."
{Internal References to 2-18-812: None.}"

Insert: **Section 9.** Section 87-1-625, MCA, is amended to read:

"**87-1-625. Funding for wolf management.** (1) The department shall allocate ~~$900,000~~ $500,000 annually for wolf management.

(2) For the purposes of this section, the term "management" has the same meaning provided in 87-5-102 and includes:

(a) wolf collaring conducted pursuant to 87-5-132; and

(b) lethal action conducted pursuant to 87-1-217 to take problem wolves that attack livestock.

(3) Not more than 25% of the total funding allocated under this section may be used for administrative costs.

(4) Pursuant to 87-1-201, the department may allocate funds from any source to meet the requirements of this section.

(5) The department may contract with the United States department of agriculture wildlife services and county governments for the purposes of this section."
{Internal References to 87-1-625: None.}"

Insert: COORDINATION SECTION. **Section 10. Coordination instruction.** If both Senate Bill No. 20 and [this act] are passed and approved, then [section 4 of Senate Bill No. 20] must be amended as follows:

"NEW SECTION. **Effective date.** [This act] is effective July 1, ~~2015~~ 2016."

Insert: COORDINATION SECTION. **Section 11. Coordination instruction -- funding from state special revenue account instead of general fund.** If House Bill No. 2, Senate Bill No. 405, and [this act] are passed and approved, and if House Bill No. 2 appropriates an amount equal to or greater than $1,761,476 from the employment security account provided for in 39-51-409 to the department of labor and industry for the biennium beginning July 1, 2015, for the restricted purposes of [sections 14 through 17 of Senate Bill No. 405], then:

(1) [section 22(1)(a) of Senate Bill No. 405] is void; and

(2) the appropriation in House Bill No. 2 from the employment security account provided for in 39-51-409 to the department of labor and industry for the purposes of [sections 14 through 17 of Senate Bill No. 405] must be considered base funding for the preparation of the budget for the biennium beginning July 1, 2017."
Renumber: subsequent sections

For the Senate:	For the House:
L. Jones, Chair	Ballance, Vice Chair
F. Moore	Noonan
Sesso	Osmundson

Senator Jones moved adoption of the committee report. Report adopted.

FREE CONFERENCE COMMITTEE
on **House Bill 2**
Report No. 001, April 23, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page BP-2, line 8
Following: "APPROPRIATIONS."
Insert: "(1)"
Following: "GENERAL FUND"
Insert: ", except the appropriations to the department of public health and human services which are from the state special revenue fund,"

2. Page BP-2, line 9.
Strike: "GENERAL"
Insert: "appropriate"

3. Page BP-2, line 14
Strike: "$9,000,000"
Insert: "$7,500,000"

4. Page BP-2, line 22
Strike: "$7,000,000"
Insert: "$5,500,000"

5. Page BP-2.

Following: line 22
Insert: "Department of Public Health and Human Services

Health Resources Division	$4,000,000
Developmental Services Division	$1,000,000"

Insert: "(2) The appropriation to the Developmental Services Division is restricted to the implementation of HB 411."

6. Page A-1.
Following: line 5
Insert: "a. Employee Pay and State Share"
Insert: "146,685 443,140" [General Fund FY16 & FY17]

7. Page A-1.
Following: line 17
Insert: "Employee Pay and State Share may be allocated and transferred among agency programs when establishing 2017 biennium operating plans."

8. Page A-1.
Following: line 21
Insert: "a. Employee Pay and State Share"
Insert: "6,399 19,290" [State Special Fund FY16 & FY17]

9. Page A-2.
Following: line 14
Insert: "c. Employee Pay and State Share"
Insert: "5,469,796 16,769,056" [General Fund FY16 & FY17]
Insert: "4,347,194 13,263,238" [State Special Fund FY16 & FY17]
Insert: "2,856,913 8,708,832" [Federal Special Fund FY16 & FY17]
Insert: "95,995 291,650" [Proprietary FY16 & FY17]

Insert: "d. Personal Services Contingency (Restricted/Biennial/OTO)"
Insert: "1,000,000" [General Fund FY16]
Insert: "600,000" [State Special Fund FY16]
Insert: "125,000" [Federal Special Fund FY16]
Insert: "25,000" [Proprietary FY16]

10. Page A-2.
Following: line 14
Insert: "c. Contingency Base Funding"
Insert: "3,073,956 2,969,078" [General Fund FY16 & FY17]
Insert: "3,346,751 3,875,028" [State Special Fund FY16 & FY17]
Insert: "1,716,017 3,818,309" [Federal Special Fund FY16 & FY17]

11. Page A-3.

Following: line 11
Insert: "Employee Pay and State Share may be allocated and transferred among executive branch agency programs when establishing 2017 biennium operating plans."
Insert: "Personal Services Contingency may be distributed by the office of budget and program planning when personnel vacancies do not occur, retirement costs exceed agency resources, or other personal services contingencies arise."
Insert: "Contingency Base Funding is to be allocated and transferred at the discretion of the budget director in an amount determined by the budget director. Contingency Base Funding may not be allocated to the office of public instruction for implementation of a prekindergarten or public preschool program. Contingency Base Funding may be included in the base budget for the executive's proposed budget for the biennium beginning July 1, 2017."

12. Page A-3.
Following: line 11
Insert: "Contingency Base Funding may not be transferred to the department of natural resources and conservation to fund an increase in rent expenses."

13. Page A-4, following line 19.
Insert: "c. Insure Montana (OTO)
4,500,000" [General Fund FY16]

14. Page A-6, line 6.
Strike: "9,494,406 9,594,738" [General Fund FY16 & FY17]
Insert: "9,473,831 9,584,841" [General Fund FY16 & FY17]

15. Page A-6.
Following: line 27
Insert: "c. Labor-Management Training Initiative (Restricted/Biennial/OTO)"
Insert: "75,000" [General Fund FY16]

16. Page A-7, line 14.
Strike: "828,604 829,689" [General Fund FY16 & FY17]
Insert: "855,604 856,689" [General Fund FY16 & FY17]

17. Page A-7.
Strike: line 17
Insert: "b. Original Governor's Mansion (Restricted)"

18. Page A-7.
Strike: line 20 in its entirety
Insert: "1,627,438 1,632,185" [General Fund FY16 & FY17]

19. Page A-10.
Following: line 6

Insert: "i. Primary Sector Business Training (Biennial)"
Insert: "1,280,000 1,280,000" [State Special Fund FY16 & FY17]

20. Page A-11, line 15.
Strike: "10,961,055 10,895,433" [State Special Fund FY16 & FY17]
Insert: "10,337,778 10,361,940" [State Special Fund FY16 & FY17]

21. Page A-11.
Following: line 15
Insert: "a. Workforce Development (Restricted/Biennial)"
Insert: "1,761,476" [State Special Fund FY16]

22. Page A-11, line 19.
Strike: "5,005,136 4,998,896" [State Special Fund FY16 & FY17]
Insert: "4,371,703 4,354,111" [State Special Fund FY16 & FY17]

23. Page A-13.
Following: line 3
Insert: "If SB 405 and SB 418 are not passed and approved, then Workforce Development is void. The amount appropriated in Workforce Development from the employment security account provided for in 39-51-409 is restricted to the purpose of implementing [sections 14 through 17 of SB 405]."

24. Page B-4, line 5.
Strike: "72,041,255 73,825,821" [State Special FY16 & FY17]
Insert: "74,660,826 77,157,755" [State Special FY16 & FY17]

25. Page B-4, line 6.
Strike: "146,425,667 154,625,870" [General Fund FY16 & FY17]
Insert: "143,806,096 151,293,936" [General Fund FY16 & FY17]

26. Page B-4, line 8.
Strike: "3,399,535 [General Fund FY17]
279,113 [State Special FY17]
7,205,342" [Federal Funds FY17]
Insert: "2,373,343 [General Fund FY17]
278,123 [State Special FY17]
5,234,968" [Federal Funds FY17]

27. Page B-4, line 26.
Strike: "74,900,654" [General Fund FY17]
Insert: "64,072,240" [General Fund FY17]

28. Page B-6.
Following: line 5

Insert: "If SB 411 is passed and approved, the Developmental Services Division will be reduced by $2,792,472 in general fund in FY 2017.

29. Page B-6, following line 15.
Insert: "Addictive and Mental Disorders Division includes a general fund reduction of $10,828,414 in FY 2017. This reduction may be reallocated among divisions when establishing the 2017 biennium operating plan."

30. Page B-6.
Strike: lines 23 through 24 in their entirety

31. Page B-7.
Strike: line 1 through line 2 in their entirety

32. Page B-7, line 3.
Following: "IF"
Insert: "nonrestricted"

33. Page B-7, line 4.
Following: "EXCEED"
Strike: "$295,652,291"
Insert: "$290,632,967"
Following: "EXPENDITURES"
Strike: "MADE"
Insert: "incurred"

34. Page B-7, line 6.
Following: "IF"
Insert: "nonrestricted"

35. Page B-7, line 7.
Following: "EXCEED"
Strike: "$295,652,291"
Insert: "$290,632,967"

36. Page B-7, line 8.
Following: "EXPENDITURES"
Strike: "MADE"
Insert: "incurred"

37. Page B-7, line 9.
Following: "IF"
Insert: "nonrestricted"

38. Page B-7, line 10.

Following: "EXCEED"
Strike: "$295,652,291"
Insert: "$290,632,967"

39. Page B-7, line 11.
Following: "EXPENDITURES"
Strike: "MADE"
Insert: "incurred"

40. Page B-7, line 12.
Following: "IF"
Insert: "nonrestricted"

41. Page B-7, line 13.
Following: "EXCEED"
Strike: "$295,652,291"
Insert: "$290,632,967"
Following: "EXPENDITURES"
Strike: "MADE"
Insert: "incurred"

42. Page B-7, line 15.
Following: "IF"
Insert: "nonrestricted"

43. Page B-7, line 16.
Following: "EXCEED"
Strike: "$312,172,729"
Insert: "$305,216,366"
Following: "EXPENDITURES"
Strike: "MADE"
Insert: "incurred"

44. Page B-7, line 18.
Following: "IF"
Insert: "nonrestricted"

45. Page B-7, line 19.
Following: "EXCEED"
Strike: "$312,172,729"
Insert: "$305,216,366"

46. Page B-7, line 20.
Following: "EXPENDITURES"

Strike: "MADE"
Insert: "incurred"

47. Page B-7, line 21.
Following: "IF"
Insert: "nonrestricted"

48. Page B-7, line 22.
Following: "EXCEED"
Strike: "$312,172,729"
Insert: "$305,216,366"

49. Page B-7, line 23.
Following: "EXPENDITURES"
Strike: "MADE"
Insert: "incurred"

50. Page B-7, line 24.
Following: "IF"
Insert: "nonrestricted"

51. Page B-7, line 25.
Following: "EXCEED"
Strike: "$312,172,729"
Insert: "$305,216,366"
Following: "EXPENDITURES"
Strike: "MADE"
Insert: "incurred"

52. Page B-8, line 2.
Following: "$312,172,729 FOR"
Strike: "FFY2017"
Insert: "FY 2017"
Following: "TOTAL OF"
Insert: "nonrestricted"

53. Page C-1, line 27
Strike: "2,841,577 2,843,501" [State Special Fund FY16 & FY17]
Insert: "2,491,577 2,493,501" [State Special Fund FY16 & FY17]

54. Page C-1
Following: line 27
Insert: "a. Shooting Range Grants 350,000 350,000"
[State Special Fund FY16 & FY17]

55. Page C-2.
Following: line 14
Insert: "Hunting Access Program Landowner Contracts may be used either for hunter access program payments to landowners or field services provided to manage hunting on block management areas. The department will report on Hunting Access Program Landowner Contracts to the environmental quality council in terms of acres, costs, and services provided to manage hunting on block management areas 90 days after big game hunting season ends."

56. Page C-3, line 26.
Strike: "29,581,359 29,837,739" [State Special Fund FY16 & FY17]
Insert: "29,656,359 29,912,739" [State Special Fund FY16 & FY17]

57. Page C-4.
Following: line 26
Insert: "It is the intent of the legislature that the interoperability radio operations be administered by the department of transportation."

58. Page C-6.
Strike: line 17
Insert: " 4,051,749 4,106,524 " [General Fund FY16 & FY17]
Insert: " 1,985,522 1,989,676 " [State Special Fund FY16 & FY 17]
Insert: " 293,198 289,622 " [Federal Special Fund FY16 & FY17]

59. Page C-6.
Strike: line 20 through line 21

60. Page C-6, line 23.
Strike: "1,973,620 1,974,586" [State Special Fund FY16 & FY17]
Insert: "1,987,232 1,988,198" [State Special Fund FY16 & FY17]

61. Page C-6.
Strike: line 25 through line 26

62. Page C-7, line 1.
Strike: "285,940 284,438" [Federal Special Fund FY16 & FY17]
Insert: "294,496 295,947" [Federal Special Fund FY16 & FY17]

63. Page C-7.
Strike: line 4
Insert: "1,741,282 1,729,316" [General Fund FY16 and FY17]
Insert: "6,796,203 6,704,605" [State Special Fund FY16 & FY17]

64. Page C-7.
Strike: line 11 through line 12

Renumber: subsequent subsections

65. Page C-7.
Strike: line 26
Insert: "9,388,318 9,390,051" [General Fund FY16 & FY17]
Insert: "6,428,465 6,283,403" [State Special Fund FY16 & FY17]
Insert: "193,455 193,181" [Federal Special Fund FY16 & FY17]

66. Page C-7.
Strike: line 27

67. Page C-8.
Strike: line 1 through line 2
Renumber: subsequent subsections

68. Page C-8.
Strike: line 8
Insert: " 12,191,118 12,258,791 " [General Fund FY16 & FY17]
Insert: " 17,089,438 17,052,993 " [State Special Fund FY16 & FY17]

69. Page C-8.
Strike: line 13 through line 14
Renumber: subsequent subsections
Strike: line 26

70. Page C-9.
Strike: line 14 through line 16.

71. Page C-9.
Following: line 18

Insert: "The department is appropriated up to $600,000 for the 2017 biennium from the loan loss reserve account of the private loan program established in 85-1-603 for the purchase of prior liens on property held as loan security as provided in 85-1-615."

72. Page C-10,line 4
Strike: "438,831 438,528" [Proprietary FY16 & FY17]
Insert: "499,219 498,916" [Proprietary FY16 & FY17]

73. Page D-1.
Following: line 20
Insert: "h. Employee Pay and State Share"
Insert: "434,830 1,306,944" [General Fund FY16 & FY17]
Insert: "26,901 80,976" [State Special Fund FY16 & FY17]
Insert: "617 1,832" [Federal Special Fund FY16 & FY17]

74. Page D-2.
Following: line 8
Insert: "Employee Pay and State Share may be allocated and transferred among agency programs when establishing 2017 biennium operating plans."

75. Page D-2, line 12.
Strike: "2,490,460 2,489,707" [General Fund FY16 & FY17]
Insert: "2,465,829 2,465,858" [General Fund FY16 & FY17]

76. Page D-2, line 27.
Strike: "3,055,915 3,079,581" [State Special Fund FY16 & FY17]
Insert: "3,120,915 3,144,581" [State Special Fund FY16 & FY17]

77. Page D-3.
Strike: line 10 in its entirety
Insert: "36,318,393 36,492,543" [State Special Fund FY16 & FY17]

78. Page D-4, following line 9.
Insert: "If HB 628 is not passed and approved, Motor Vehicle Division is increased in state special revenue by $1,697,988 in FY 2016 and $1,703,961 in FY 2017."

79. Page D-6, line 12.
Strike: "76,413,870 76,495,322" [General Fund FY16 & FY17]
Insert: "75,610,890 75,692,342" [General Fund FY16 & FY17]

80. Page D-6, line 17.
Strike: "615,700 615,700" [General Fund FY16 & FY17]
Insert: "386,200 386,200" [General Fund FY16 & FY17]

81. Page D-7, line 11.
Strike: "20,344,389 20,348,766" [General Fund FY16 & FY17]
Insert: "11,265,994 11,270,371" [General Fund FY16 & FY17]

82. Page D-7, line 19.
Strike: "500,000 500,000" [General Fund FY16 & FY17]
Insert: "9,328,395 9,328,395" [General Fund FY16 & FY17]

83. Page D-7, following line 25.
Insert: "Secure Custody Facilities includes funding to hold inmates in county jails. It is the intent of the legislature that the department of corrections may pay no more than $69 per day to hold an inmate in any county jail. If the department of corrections certifies to the budget director that it cannot obtain the number of beds required to house inmates in county jails at the $69 rate and the budget director verifies the certification, Secure Custody Facilities is increased by $174,820 general fund each year of the 2017 biennium. It is the intent of the legislature that once the budget director verifies the certification, the department of

corrections may pay no more than $72.50 per day to hold an inmate in any county jail."

84. Page D-7, following line 25.
Insert: "Probation and Parole Division includes funding for payment of contracted treatment and prerelease beds. It is the intent of the legislature that, within existing funding and at the contracted rate, the department of corrections may pay for beds filled at up to 110% of the contracted bed levels for treatment and prerelease beds."

85. Page D-8, line 1.
Strike: line 1 in its entirety

86. Page E-1, line 24.
Strike: "636,209,794 647,326,388" [General Fund FY 16 & FY17]
Insert: "636,438,555 651,840,376" [General Fund FY 16 & FY17]

87. Page E-2, line 26.
Following: line 26
Insert: "The Office of Public Instruction K-12 BASE Aid appropriation is reduced by $1,060,351 in FY 2016 and $1,205,462 in FY 2017 if SB 157 is passed and approved."

88. Page E-3.
Following: line 18
Insert: "c. Employee Pay and State Share"
Insert: "3,729,621 8,699,326" [General Fund FY16 & FY17]
Insert: "566 3,816" [State Special Fund FY16 & FY17]
Insert: "36,451 253,292" [Federal Special Fund FY16 & FY17]

89. Page E-4.
Following: line 14
Insert: "b. Classroom and Technology Collaboration (OTO) $1,600,000"[General Fund FY 16]

90. Page E-4, line 15.
Following: "Research"
Insert: "and Development"

91. Page E-4.
Strike: line 22 through line 27 in their entirety
Renumber: subsequent subsections

92. Page E-5, line 7.
Strike: line 7 in its entirety
Insert: "14,897,522 14,883,995" [General Fund FY16 & FY17]

93. Page E-5, line 10.
Strike: line 10 in its entirety

Insert: "5,977,225 5,976,600" [General Fund FY 16 & FY17]

94. Page E-5, line 12.
Strike: line 12 in its entirety
Insert: "1,274,520 1,274,931" [General Fund FY16 & FY 17]

95. Page E-5, line 15.
Strike: "(OTO)"

96. Page E-5, line 16.
Strike: line 16 in its entirety
Insert: "180,000 180,000" [General Fund FY16 & FY17]

97. Page E-6.
Following: line 8
Insert: "It is the intent of the legislature that the advisory panel should be composed of one member of the Montana house of representatives, one member of the Montana senate, one agriculture/agribusiness representative, one natural resources industry representative, one health-biomedical industry representative, one Montana state university representative, one university of Montana representative, and the commissioner of higher education."

98. Page E-7.
Following: line 8
Insert: "If SB 416 is passed and approved, Agricultural Experiment Station is reduced by $300,000 in general fund money in FY 2016 and by $300,000 in general fund money in FY 2017; Extension Service is reduced by $125,000 in general fund money in FY 2016 and by $125,000 in general fund money in FY 2017; and the Forestry and Conservation Experiment Station is reduced by $75,000 in general fund money in FY 2016 and by $75,000 in general fund money in FY 2017. The commissioner of higher education may allocate the reduction among these three appropriations when establishing the 2017 biennium operating plan."

99. Page E-7.
Following: line 8
Insert: "Classroom and Technology Collaboration is contingent on passage and approval of SB 416."

100. Page E-7.
Following: line 10
Insert: "Employee Pay and State Share may be allocated and transferred among agency programs when establishing 2017 biennium operating plans."

101. Page R-2,line 8
Strike: "$9.78 $9.80"
Insert: "$9.780 $9.802"

102. Page R-2,line 9
Strike: "$4.63 $4.64"
Insert: "$4.625 $4.637"

103. Page R-2,line 10
Strike: "$0.62 $0.62"
Insert: "$0.615 $0.615"

104. Page R-2, line 14.
Strike: "$4,272,329"
Insert: "$3,259,623"

Strike: "HB 5"
Insert: "HB 403"

105. Page R-2, line 19.
Strike: "$0.0930 $0.0930"
Insert: "$0.0870 $0.0870"

106. Page R-2, line 20.
Strike: "$0.0420 $0.0420"
Insert: "$0.0400 $0.0400"

107. Page R-2, line 21.
Strike: "$0.0230 $0.0230"
Insert: "$0.0220 $0.0220"

108. Page R-2, line 22.
Strike: "$0.0090 $0.0090"
Insert: "$0.0080 $0.0080"

109. Page R-3,line 4
Strike: "$0.0002 $0.0002"
Insert: "$0.00024 $0.00024"

110. Page R-4.
Following: line 21
Insert: "Inventory Markup 15% 15%"

111. FTE reduction.
Reduce 6.0 FTE each year of the biennium from the State Auditor's Office.

For the Senate:	For the House:
L. Jones, Chair	Ballance, Vice Chair
Keane	Noonan
Keenan	Osmundson

Senator Jones moved adoption of the committee report. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **House bill not** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/24/2015

HB 237, introduced by A. Olszewski

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

4/23/2015

SB 316, introduced by R. Webb

House joint resolution passed and transmitted to the Senate for concurrence: 4/23/2015

HJ 32, introduced by T. Woods

MOTIONS

Senator Keenan moved **HB 33** be removed from today's second reading agenda and re-referred to the existing Free Conference Committee for further consideration. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Hansen, Sales, Taylor.
Total 3

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sales in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 316 - **House Amendments** - Senator Webb moved House amendments to **SB 316** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HB 6 - **Free Conference Committee Report No. 1** - Senator Keenan moved the Free Conference Committee report to **HB 6** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Hinkle, Kary, Sales, Smith, Vance, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: Buttrey.

Total 1

HB 10 - **Conference Committee Report No. 1** - Senator Blasdel moved the Conference Committee report to **HB 10** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Fielder, Hinkle, Howard, Kary, Smith, Vance, Vincent, Webb.
Total 8

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 260 - **Free Conference Committee Report No. 1** - Senator F. Moore moved the Free Conference Committee report to **SB 260** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HB 237 - **Governor's Amendments** - Senator C. Smith moved Governor's amendments to **HB 237** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale,

Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HJ 26 - Senator Vuckovich moved **HJ 26** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, Caferro, Cohenour, Connell, Driscoll, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Nays: Arntzen, Blasdel, D. Brown, T. Brown, Facey, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 23

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HJ 29 - Senator Windy Boy moved **HJ 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Keenan, Moore, Sales, Taylor, Vance, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

Majority Leader Rosendale moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: McNally.
Total 1

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

MOTIONS

Senator Brenden moved **SR 31** be removed from the agenda under Special Orders of the Day, and that **SR 31** be placed on a second agenda later this date. Without objection so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 2, **as amended by the House**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 138, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 39

Nays: Barrett Dick, D. Brown, Caferro, Cohenour, Facey, Kaufmann, Moe, Phillips, Pomnichowski, Sands.
Total 10

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 171, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 31

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 283, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Caferro, Cohenour,

Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Blasdel, Keenan.
Total 2

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 353, **Conference Committee Report No. 1**, **not** adopted (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 389, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 410, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Windy Boy, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 336, **as amended by the Governor**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HB 512, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 41

Nays: Blasdel, Fielder, Hinkle, Keenan, Sales, Vance, Vincent, Ms. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HJ 21 concurred in as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, D. Brown, Caferro, Cohenour, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 34

Nays: Ankney, Brenden, T. Brown, Connell, Driscoll, Howard, Kary, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HJ 23 failed as follows:

Yeas: Ankney, Arntzen, Brenden, D. Brown, T. Brown, Fielder, Hinkle, Howard, Jones, Kary, Keenan, Malek, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Vance, Webb, Windy Boy, Ms. President.
Total 22

Nays: Barrett Dick, Blasdel, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Kaufmann, Keane, Larsen, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Wolken.
Total 27

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HJ 27 concurred in as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.
Total 26

Nays: Ankney, Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SPECIAL ORDERS OF THE DAY

SR 30 - Senator Brenden moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 30**.

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SR 44 - Senator Brenden moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 44**.

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Blasdel, D. Brown, Fielder, Hansen, Hinkle, Kary, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Webb.
Total 14

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

ANNOUNCEMENTS

Majority Leader Rosendale moved the Senate recess until 3:00 p.m. this date. Motion carried.

Senate recessed at 11:50 a.m.

=====

Senate reconvened at 3:00 p.m. Forty-nine members present, Senator Buttrey excused. Quorum present.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 33**

Report No. 002, April 24, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 33** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 33** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.
Following: "COUNTIES;"

Insert: "REDUCING LOCAL GOVERNMENT ENTITLEMENT SHARE PAYMENTS AND CERTAIN CALCULATIONS FOR THE PURPOSE OF PROVIDING FUNDING;"

2. Title, page 1, line 8.
Strike: "SECTION"
Insert: "SECTIONS 15-1-121 AND"

3. Page 1, line 12.
Following: line 11
Insert: "Section 1. Section 15-1-121, MCA, is amended to read:

"15-1-121. Entitlement share payment -- purpose -- appropriation. (1) As described in 15-1-120(3), each local government is entitled to an annual amount that is the replacement for revenue received by local governments for diminishment of property tax base and various earmarked fees and other revenue that, pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections, and other revenue in the state treasury with each local government's share. The reimbursement under this section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain state payments with local government collections due the state and reimbursements made by percentage splits, with a local government remitting a portion of collections to the state, retaining a portion, and in some cases sending a portion to other local governments.

(2) The sources of dedicated revenue that were relinquished by local governments in exchange for an entitlement share of the state general fund were:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle, boat, and aircraft taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-317;

(v) 61-3-321;

(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;

(vii) Title 61, chapter 3, part 7;

(viii) 5% of the fees collected under 61-10-122;

(ix) 61-10-130;

(x) 61-10-148; and

(xi) 67-3-205;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);mk

(ii) 25-1-202;

(iii) 25-9-506; and

(iv) 27-9-103;

(e) certificate of title fees for manufactured homes pursuant to 15-1-116;

(f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;

(g) all beer, liquor, and wine taxes pursuant to:

(i) 16-1-404;

(ii) 16-1-406; and

(iii) 16-1-411;

(h) late filing fees pursuant to 61-3-220;

(i) title and registration fees pursuant to 61-3-203;

(j) veterans' cemetery license plate fees pursuant to 61-3-459;

(k) county personalized license plate fees pursuant to 61-3-406;

(l) special mobile equipment fees pursuant to 61-3-431;

(m) single movement permit fees pursuant to 61-4-310;

(n) state aeronautics fees pursuant to 67-3-101; and

(o) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.

(3) (a) Except as provided in subsection (3)(b), the total amount received by each local government in the prior fiscal year ~~2010~~ as an entitlement share payment under this section is the base component for the subsequent fiscal year ~~2011~~ distribution, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (7), is each local government's base component. ~~The~~ Subject to subsection (3)(b), the sum of all local governments' base components is the fiscal year entitlement share pool.

(b) ~~The~~ For fiscal year 2016, the fiscal year entitlement share pool is reduced by $1,049,904 ~~total amount received by each local government in fiscal year 2011 as an entitlement share payment under this section is the base component for fiscal year 2012 and 2013 distributions, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (7), is each local government's base component. The sum of all local governments' base components is the fiscal year entitlement share pool~~.

(4) (a) ~~With the exception of fiscal years 2012 and 2013~~ Subject to subsection (3)(b), the base entitlement share pool must be increased annually by an entitlement share growth rate as provided for in this subsection (4). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year~~, with the exception of fiscal years 2012 and 2013~~.

(b) By October 1 of each year, the department shall calculate the growth rate of the entitlement share pool for the current year in the following manner:

(i) The department shall calculate the entitlement share growth rate based on the ratio of two factors of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the statewide budgeting and accounting system. The first factor is the sum of the revenue for the first and second previous completed fiscal years received from the sources referred to in ~~subsection~~ subsections (2)(b), (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30, and corporate income tax as provided in Title 15, chapter 31, divided by the sum of

the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.25.

(ii) Except as provided in subsection (4)(b)(iii), the entitlement share growth rate is the lesser of:

(A) the sum of the first factor plus the second factor; or

(B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

(iii) In no instance can the entitlement growth factor be less than 1. ~~The~~ Subject to subsection (4)(b)(iv), the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to determine the subsequent fiscal year payment.

(iv) For fiscal year 2016, the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment minus $1,049,904 to determine the subsequent fiscal year payment.

(5) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (8). The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources for which reimbursement is provided in this section. The allocation for each special district that existed in 2002 must be based on the relative proportion of the loss of revenue in 2002.

(6) (a) The entitlement share pools calculated in this section, the amounts determined under 15-1-123(2) for local governments, the funding provided for in subsection (8) of this section, and the amounts determined under 15-1-123(4) for tax increment financing districts are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments. Except for the distribution made under 15-1-123(2)(b), the distributions must be made on a quarterly basis.

(b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must be calculated separately for:

(A) counties;

(B) consolidated local governments; and

(C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the prior fiscal year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the prior fiscal year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the prior fiscal year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool before the growth amount or adjustments made under subsection (7) are applied is to be distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(7) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the department shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to the entitlement share distribution under this section. The total entitlement share distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year entitlement share pool. The ratio of each local government's distribution from the entitlement share pool must be recomputed to determine each local government's ratio to be used in the subsequent year's distribution determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

(8) (a) Except for a tax increment financing district entitled to a reimbursement under 15-1-123(4), if a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any funding. If a tax increment financing district referred to in subsection (8)(b) terminates, then the funding for the district provided for in subsection (8)(b) terminates.

(b) Except for the reimbursement made under 15-1-123(4)(b), one-half of the payments provided for in this subsection (8)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (8)(a), the entitlement share for tax increment financing districts is as follows:

Deer Lodge	TIF District 1	$2,833
Deer Lodge	TIF District 2	2,813
Flathead	Kalispell - District 2	4,638
Flathead	Kalispell - District 3	37,231
Flathead	Whitefish District	148,194
Gallatin	Bozeman - downtown	31,158
Missoula	Missoula - 1-1C	225,251
Missoula	Missoula - 4-1C	30,009
Silver Bow	Butte - uptown	255,421

(9) The estimated fiscal year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from tax increment financing

districts, from countywide transportation block grants, or from countywide retirement block grants.

(10) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(11) A local government may appeal the department's estimation of the base component, the entitlement share growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

(12) A payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1.""

Renumber: subsequent sections

4. Page 2, line 13.
Following: "used"
Insert: "in the following order"

5. Page 2, line 25 through line 30.
Strike: subsection (5) in its entirety
Renumber: subsequent subsection

6. Page 3, line 11.
Following: "$1.85 MILLION"
Insert: "or more"

7. Page 3, line 13.
Strike: "2"
Insert: "3"

For the Senate:	For the House:
Keenan, Chair	Ehli, Vice Chair
Caferro	Burnett
Thomas	Schreiner

Senator Keenan moved adoption of the committee report. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Free Conference Committee Report No.1 adopted: 4/24/2015

HB 2, introduced by N. Ballance
HB 6, introduced by M. Cuffe

SB 171, introduced by B. Tutvedt
SB 260, introduced by F. Moore
SB 353, introduced by R. Ripley
SB 410, introduced by L. Jones
SB 418, introduced by L. Jones

Conference Committee Report No. 1 adopted: 4/24/2015

HB 10, introduced by K. McCarthy
HB 512, introduced by D. Mortensen

Conference Committee Report No.2 adopted: 4/24/2015

SB 138, introduced by B. Hoven

Governor's amendments to **Senate bill** concurred in and returned to the Senate: 4/24/2015

SB 336, introduced by B. Keenan

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sales in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 8 - Senator Hamlett moved **HB 8** be concurred in. Second reading vote as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Fielder, Hinkle, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Vincent, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Buttrey.

Total 1

This bill requires an affirmative vote of 3/4 of the members of the Senate and will proceed to third reading.

SB 354 - **Free Conference Committee Report No. 1** - Senator Ripley moved the Free Conference Committee report to **SB 354** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 418 - **Free Conference Committee Report No. 1** - Senator L. Jones moved the Free Conference Committee report to **SB 418** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 39

Nays: Blasdel, Fielder, Hinkle, Howard, Sales, Smith, Swandal, Vance, Webb, Ms. President.
Total 10

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HB 2 - **Free Conference Committee Report No. 1** - Senator L. Jones moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 35

Nays: Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HB 33 - **Conference Committee Report No. 1** - Senator Keenan moved the Conference Committee report to **HB 33** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Fielder, Hinkle, Kary, Sales, Smith, Swandal, Vance, Vincent, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Sales moved the Committee of the

Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: D. Brown, Hamlett, Webb.
Total 3

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

MOTIONS

Majority Leader Rosendale moved to suspend Senate Rule 40-40 to place bills heard on second reading this date under agenda # 2 on third reading this date: HB 8, SB 354, SB 418, HB 2, HB 33. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

Majority Leader Rosendale moved to suspend Senate Rule 40-40 to place bills heard on second reading this date under agenda # 1 on third reading this date: SB 316 HA, HJ 26, HJ 29, HB 10 CC, HB 6 FC, SB 260 FC. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann,

Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 316, **as amended by the House**, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Fielder, Hinkle, Sales, Vance, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HJ 26 concurred in as follows:

Yeas: Ankney, Barrett Dick, Brenden, Caferro, Cohenour, Connell, Driscoll, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Nays: Arntzen, Blasdel, D. Brown, T. Brown, Facey, Fielder, Hansen, Hinkle, Howard, Kary,

Keenan, Moore, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 23

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HJ 29 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 35

Nays: Blasdel, Brenden, T. Brown, Hansen, Hinkle, Keenan, Moore, Rosendale, Sales, Taylor, Thomas, Vance, Vincent, Ms. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HB 10, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Fielder, Hansen, Hinkle, Howard, Kary, Sales, Smith, Swandal, Vance, Vincent, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HB 6, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Fielder, Hinkle, Kary, Sales, Smith, Vance.
Total 6

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 260, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HB 8 failed (due to 3/4 vote requirement) as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Hamlett, Hansen, Hoven, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Whitford, Windy Boy, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Fielder, Hinkle, Howard, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Vincent,

Vuckovich, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 354, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Ms. President.
Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 418, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 36

Nays: Blasdel, Caferro, Fielder, Hinkle, Howard, Kary, Sales, Smith, Swandal, Vance, Vincent, Webb, Ms. President.
Total 13

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HB 2, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 34

Nays: Brenden, D. Brown, Caferro, Fielder, Hinkle, Howard, Kary, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

HB 33, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Fielder, Hinkle, Kary, Sales, Smith, Swandal, Vance, Vincent, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

MOTIONS

Senator Rosendale moved the Senate reconsider third-reading action on **HB 8** and that **HB 8** be placed on third reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt,

Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Hinkle, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

Senator Hamlett moved that **SR 8** be taken from the Fish and Game Committee and be placed on Special Orders this date. Motion carried as follows:

Yeas: Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 23

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

Senator Sesso moved that **SR 53** be taken from the State Administration Committee and be placed on Special Orders this date. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 26

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 23

Absent or not voting: None.

Total 0

Excused: Buttrey.
Total 1

SPECIAL ORDERS OF THE DAY

SR 31 - Senator Brenden moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 31**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SR 8 - Senator Hamlett moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 8**. Motion carried as follows:

Yeas: Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 21

Paired: Buttrey, Aye; Blasdel, No.

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SR 53 - Senator Sesso moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 53**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 29

Nays: Arntzen, Blasdel, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 21

Paired: Buttrey, Aye; Blasdel, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 9:00 a.m., Saturday, April 25, 2015, the eighty-fifth legislative day. Motion carried.

Senate adjourned at 5:35 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
EIGHTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 25, 2015 — State Capitol

Senate convened at 9:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Buttrey excused. Quorum present.

BILLS AND JOURNALS 4/25/2015

Correctly enrolled: **SB 261**, **SB 396**, **SR 30**, **SR 44**, **SJ 2**.
Examined by the sponsor and found to be correct: **SB 261**, **SR 30**, **SR 44, SJ 2**.
Signed by the Secretary of the Senate at 8:00 a.m., April 25, 2015: **SB 233**, **SB 252**, **SB 272**, **SB 385**, **SB 411**.
Signed by the President at 8:55 a.m., April 25, 2015: **SB 233**, **SB 252**, **SB 272**, **SB 385**, **SB 411**.
Signed by the Speaker at 4:25 p.m., April 24, 2015: **SB 100**, **SB 122**, **SB 175**, **SB 245**, **SB 259**, **SB 284**, **SB 312**, **SB 375**, **SB 387**, **SB 399**, **SJ 20**, **SJ 21**.
Signed by the Speaker at 4:10 p.m., April 24, 2015: **SB 157**, **SB 193**, **SB 211**, **SJ 12**, **SJ 22**.
Signed by the Speaker at 4:55 p.m., April 24, 2015: **SB 20**, **SB 99**, **SB 180**, **SB 212**, **SB 279**, **SB 306**, **SB 309**, **SB 326**, **SB 378**, **SB 380**, **SB 386**, **SB 390**, **SB 393**, **SB 401**, **SB 409**, **SJ 10**.

MESSAGES FROM THE GOVERNOR

April 24, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Friday, April 24, 2015, I signed the following bills:

Senate Bill 68 - M. Caferro
Senate Bill 253 - M. McNally
Senate Bill 262 - C. Vincent
Senate Bill 294 - F. Moore
Senate Bill 355 - D. Ankney
Senate Bill 384 - R. Webb

These bills were delivered to the Secretary of State's Office today.

I have vetoed **Senate Bill 37** - J. Fielder, **Senate Bill 145** - B. Hamlett, **Senate Bill 235** - K. Hansen, **Senate Bill 281** - F. Moore, and **Senate Bill 372** - M. Blasdel.

Sincerely,

STEVE BULLOCK
Governor

April 24, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 37** (SB 37), "AN ACT PROVIDING FOR FILING OF CERTAIN WATER RIGHTS CLAIMS; CREATING A DEADLINE FOR FILING THESE CLAIMS; PROVIDING FOR A SUPPLEMENTAL PRELIMINARY DECREE; ELIMINATING CERTAIN PROCESSING FEES; AMENDING SECTIONS 3-7-212, 85-2-221, 85-2-222, 85-2-231, 85-2-232, 85-2-233, AND 85-2-234, MCA; AND REPEALING SECTION 85-2-225, MCA."

SB 37 requires that the Department of Natural Resources and Conservation (DNRC) publish notice of newly established filing deadlines for exempt water rights, as well as send the notice to certain property owners and post it in county courthouses. The bill further requires that water judges issue supplementary preliminary decrees containing claims for exempt rights.

The fiscal note for SB 37 indicates it will cost $214,920 in FY 2016, and approximately $20,000 annually in subsequent years. While I am not opposed to the objectives of this bill, I remain committed to safeguarding Montana's first-rate financial standing, which includes maintaining a rainy day fund for unexpected contingencies. The budget I presented to the 64th session of the Legislature balances our budget without raising taxes. It builds upon the fiscally responsible management that has served our state so well and makes sustainable investments in education, health care and infrastructure that will benefit Montanans for generations to come.

I take my job to be a responsible steward of Montana's taxpayer dollars seriously. SB 37, while

reasonable in its policy objectives, is too costly to be funded within the constraints of a responsible budget. The state will continue working to see if we can carry out the policy objectives and if possible fund the provisions in the bill in a future legislative session.

For these reasons, I veto SB 37.

Sincerely,

STEVE BULLOCK
Governor

April 24, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 145** (SB 145), "AN ACT REVISING THE ALLOCATION OF REVENUE FROM OIL AND NATURAL GAS PRODUCTION TAXES AND USING THE PROCEEDS FOR OIL AND NATURAL GAS IMPACT PROJECTS; DEFINING 'OIL AND GAS IMPACT PROJECTS'; ESTABLISHING PRIORITIES FOR OIL AND GAS IMPACT PROJECT PROPOSALS FROM LOCAL GOVERNMENTS; PROVIDING FOR REVIEW OF OIL AND GAS IMPACT PROJECT PROPOSALS BY THE DEPARTMENT OF COMMERCE; CREATING AN OIL AND NATURAL GAS IMPACT RELIEF ACCOUNT TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 15-36-331, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

SB 145 proposes to divert an unknown amount of general fund revenue at an unknown time in the future to fund projects that are impossible to anticipate at this time. While the intent of the measure is no doubt laudable, the placement into law of a complicated formula that binds future legislatures to automatic diversions from the general fund without regard for either the financial standing of the state or the actual need for the programs that diversion proposes to fund is not sound public policy.

For these reasons, I veto Senate Bill 145.

Sincerely,

STEVE BULLOCK
Governor

April 24, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 235** (SB 235), "A BILL FOR AN ACT ENTITLED: 'AN ACT CLARIFYING THAT JUDICIAL BRANCH BUDGET PROPOSALS MUST BE INCLUDED IN THE BUDGET SUBMITTED BY THE GOVERNOR WITHOUT CHANGES; AND AMENDING SECTION 17-7-122, MCA'."

Title 17, Chapter 7 of the Montana Code includes very specific requirements for the development of the executive budget. Currently, the law states that judicial branch proposals for spending above the current base budget need not be included in the executive budget. However, my staff and I have always worked very closely with the judicial branch to include as much of the judiciary's budget request as the state can afford. This cooperative relationship has resulted in fair budget allocations to the judicial branch while allowing the executive to present a balanced financial plan to the Legislature.

If implemented, SB 235 could force the executive branch to forego its budget priorities in order to fully fund a budget request of the judiciary that has no boundaries or limitations. The chief officer of the executive branch is elected by the people of Montana to implement certain policy priorities. SB 235 could severely restrict my ability, and ability of future governors, to present an executive budget to the Legislature that reflects the broad policy priorities of the people of Montana.

Further, the current budgetary process allows the judicial branch to present any funding requests not included in the executive budget to the joint appropriations subcommittee, or during any subsequent step in the budget review process. If the judiciary believes it has funding needs

beyond the executive budget, it can still make its case directly to the Legislature. This strikes a fair balance between the budgeting obligations and priorities of the executive branch, and the funding needs of the judiciary as a separate and equal branch of government.

I look forward to a continued cooperative relationship with the judicial branch that accommodates its funding needs while balancing the needs of all of state government.

For these reasons, I respectfully request that you sustain my veto of SB 235.

Sincerely,

STEVE BULLOCK
Governor

April 24, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 281** (SB 281), "AN ACT GENERALLY REVISING CONSUMER PROTECTION LAWS TO CLARIFY DAMAGES AWARDED; AND AMENDING SECTION 30-14-133, MCA."

SB 281 proposes to limit the damages a consumer, who has been the victim of a false or deceptive act, may recover. The bill would only allow a consumer to recover money damages and would eliminate the right of a court to award punitive damages, making the damages available to a consumer in Montana among the weakest in the country.

The bill is a sweeping revision that impacts every category of consumer fraud - from false advertising by a pharmaceutical company to scams targeted at the elderly - in response to a Montana Supreme Court decision holding Bank of America liable for fraudulent statements made to struggling homeowners.

Montana is lucky in that we were largely insulated from the housing crisis of the mid-2000's. We

weathered this storm primarily because our local banks did not engage in the deceptive practices perpetrated by some of the nation's biggest banks. As Attorney General, I participated in litigation against five of the biggest banks, including Bank of America, that alleged that these institutions routinely violated state and federal law and engaged in consumer protection violations. In February of 2012, I joined a landmark agreement that held these banks financially liable and imposed national standards to protect consumers from future abuse.

Montana judges have significant discretion under the Consumer Protection Act to decide whether the facts of a case are egregious enough to award punitive damages. The ability of courts to address particularly bad behavior, such as that engaged in by Bank of America, is an important tool that I do not believe is being misused. SB 281 would eliminate this option in every case, regardless of the harm done to a consumer.

For these reasons, I veto SB 281.

Sincerely,

STEVE BULLOCK
Governor

April 20, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 372** (SB 372), "AN ACT PROHIBITING A FINDING OF UNCONSCIONABILITY BY THE COURT FOR RENTAL AGREEMENTS BASED ON CERTAIN TENANT AND LANDLORD RESPONSIBILITIES; AND AMENDING SECTIONS 70-24-404 AND 70-33-403, MCA."

SB 372 restricts the ability of a court to find a rental agreement unconscionable if the challenged provision can be linked to state statutes requiring tenants and landlords to maintain a premises. As a general matter, I look with disfavor upon laws which limit the discretion of the courts. In landlord-tenant disputes, it is particularly important for courts to have the leeway needed to assess

specific facts. A rental agreement that cites to 70-24-321 ("Tenant to maintain dwelling unit.") or 70-24-303 ("Landlord to maintain premises . . .") could, under SB 372, be interpreted as precluding a court from assessing the specific facts involving the formation and implementation of that agreement.

Certain magic words should not immunize a rental agreement from a finding of unconscionability. What matters is whether the terms of the agreement unreasonably favor the drafter and whether there was any meaningful choice on the part of the other party in accepting the provisions. Summers v. Crestview Apartments, 2010 MT 164, 22. SB 372 would unnecessarily inject restrictions and confusion into what are otherwise clear judicial standards.

For these reasons, I veto SB 372.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Conference Committee Report No.1 adopted: 4/24/2015

HB 10, introduced by K. McCarthy
HB 512, introduced by D. Mortensen

Free Conference Committee Report No.1 adopted: 4/24/2015

HB 2, introduced by N. Ballance
HB 6, introduced by M. Cuffe

President Barrett announced the Senate will stand in recess subject to the call of the chair. Senate recessed at 9:05 a.m.

Senate reconvened at 9:30 a.m.

Majority Leader Rosendale moved the Senate adjourn until 11:00 a.m., Monday, April 27, 2015, the eighty-sixth legislative day. Motion carried.

Senate adjourned at 9:35 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 27, 2015 — State Capitol

Senate convened at 11:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present. Senators Buttrey, Swandal and Vincent excused. Quorum present.

BILLS AND JOURNALS 4/27/2015

Correctly enrolled: **SB 138**, **SB 260**, **SB 283**, **SB 316**, **SB 336**, **SB 389**, **SB 410**, **SB 418**, **SR 8**, **SR 31**, **SR 53**.
Examined by the sponsor and found to be correct: **SB 138**, **SB 260**, **SB 283**, **SB 336**, **SB 389**, **SB 410**, **SR 53**.
Signed by the Secretary of the Senate at 9:30 a.m., April 27, 2015: **SB 261**, **SB 396**, **SR 30**, **SR 44**, **SJ 2**.
Signed by the President at 9:45 a.m., April 27, 2015: **SB 261**, **SB 396**, **SR 30**, **SR 44**, **SJ 2**.
Signed by the Secretary of the Senate at 11:15 a.m., April 27, 2015: **SB 138**, **SB 336**, **SB 389**, **SB 410**, **SR 8**, **SR 31**, **SR 53**.
Signed by the President at 11:30 a.m., April 27, 2015: **SB 138**, **SB 336**, **SB 389**, **SB 410**, **SR 8**, **SR 31**, **SR 53**.
Signed by the Secretary of the Senate at 12:20 p.m., April 27, 2015: **SB 260**, **SB 283**, **SB 316**, **SB 418**.
Signed by the President at 2:15 p.m., April 27, 2015: **SB 260**, **SB 283**, **SB 316**, **SB 418**.
Delivered to the Secretary of State at 1:50 p.m., April 27, 2015: **SB 279**,**SR 8**, **SR 30**, **SR 31**, **SR 44**, **SR 53**, **SJ 10**, **SJ 12**, **SJ 20**, **SJ 21**, **SJ 22**, **SJ 24**.
Delivered to the Governor at 10:11 a.m., April 25, 2015: **SB 20**, **SB 83**, **SB 99**, **SB 100**, **SB 122**, **SB 157**, **SB 175**, **SB 180**, **SB 188**, **SB 193**, **SB 211**, **SB 212**, **SB 245**, **SB 259**, **SB 284**, **SB 306**, **SB 309**, **SB 312**, **SB 326**, **SB 334**, **SB 375**, **SB 378**, **SB 380**, **SB 386**, **SB 387**, **SB 390**, **SB 393**, **SB 399**, **SB 401**, **SB 409**.

MESSAGES FROM THE OTHER HOUSE

Free Conference Committee Report No.1 adopted: 4/25/2015

SB 354, introduced by R. Ripley

Free Conference Committee Report No.2 adopted: 4/25/2015

HB 33, introduced by R. Ehli

SPECIAL ORDERS OF THE DAY

The Republican caucus presented farewell gifts to Majority Leader Rosendale, President Pro Tempore Moore, and President Barrett.

Majority Leader Rosendale moved the Senate stand at ease. Motion carried. Senate in recess at 11:10 a.m.

Senate reconvened at 1:40 p.m. Forty-seven members present, Senators Buttrey, Swandal and Vincent excused. Quorum present.

MESSAGES FROM THE OTHER HOUSE

Senate bill not concurred in and returned to the Senate: 4/25/2015

SB 402, introduced by D. Ankney

April 27, 2015

President Barrett:

On behalf of the House of Representatives I request the Senate's consent to adjourn sine die on this 86th legislative day of the 64th Legislative Session, April 27, 2015.

Respectfully,

AUSTIN KNUDSEN
Speaker of the House
Montana House of Representatives

MOTIONS

Majority Leader Rosendale moved the Senate acquiesce to the request of the House of Representatives to sine die then complete the Senate agenda before a motion to sine die.

Senator Sesso moved a substitute motion to pass second and third reading agendas today until a time certain tomorrow. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 31

Nays: Arntzen, Blasdel, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Webb, Ms. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Buttrey, Swandal, Vincent.
Total 3

Majority Leader Rosendale moved the Senate consider the House's motion to sine die. That motion failed as follows:

Yeas: Arntzen, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Rosendale, Sales, Smith, Taylor, Vance, Webb, Ms. President.
Total 14

Nays: Ankney, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 33

Absent or not voting: None.
Total 0

Excused: Buttrey, Swandal, Vincent.
Total 3

Majority Leader Rosendale moved the Senate adjourn until 7:00 a.m., Tuesday, April 28, 2015, the eighty-seventh legislative day. Motion carried.

Senate adjourned at 1:50 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE
EIGHTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 28, 2015 — State Capitol

Senate convened at 7:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators D. Brown, Buttrey, and Vincent excused. Quorum present.

BILLS AND JOURNALS 4/28/2015

Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the seventy-sixth through eightieth legislative days, find the same to be correct.

Correctly enrolled: **SB 171**, **SB 354**.
Examined by the sponsor and found to be correct: **SB 171**.
Transmitted to the House: **HB 8**.
Signed by the Secretary of the Senate at 7:10 a.m., April 28, 2015: **SB 171**.
Signed by the President at 7:15 a.m., April 28, 2015: **SB 171**.
Signed by the Secretary of the Senate at 8:22 a.m., April 29, 2015: **SB 354**.
Signed by the President at 9:15 a.m., April 28, 2015: **SB 354**.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Sesso requested the Senate stand at ease awaiting a report from the House of Representatives regarding action on SB 416. The Chair ruled that second reading would proceed. Following an objection from Senator Sesso, the Senate failed to uphold the chair's ruling as follows:

Yeas: Arntzen, Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.
Total 19

Nays: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 28

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey, Vincent.
Total 3

Senate in recess at 7:05 a.m.; Senate reconvened at 7:12 a.m.

HB 402 - Senator Rosendale moved **HB 402** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Paired: Vincent, Aye; Facey, No.

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey.
Total 2

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Blasdel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Connell, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.
Total 27

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 20

Absent or not voting: None.

Total 0

Excused: D. Brown, Buttrey, Vincent.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 8 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Hinkle, Sales, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey, Vincent.
Total 3

HB 402 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.
Total 26

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: D. Brown, Buttrey, Vincent.
Total 3

SPECIAL ORDERS OF THE DAY

Minority Leader Sesso and Majority Leader Rosendale made closing remarks to the Senate.

Majority Leader Rosendale moved the Senate adjourn sine die. Motion carried. Senate adjourned sine die at 7:30 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate

SENATE JOURNAL
64TH LEGISLATURE

ADDENDUM

Helena, Montana
2015

Senate Chambers
State Capitol

BILLS AND JOURNALS
Signed by the Speaker at 11:30 a.m., April 28, 2015: **SB 138**, **SB 171**, **SB 233**, **SB 252**, **SB 260**, **SB 261**, **SB 272**, **SB 283**, **SB 316**, **SB 336**, **SB 354**, **SB 385**, **SB 389**, **SB 396**, **SB 410**, **SB 411**, **SB 418**, **SJ 2**.
Delivered to the Secretary of State at 12:16 p.m., April 28, 2015: **SJ 2**.
Delivered to the Governor at 12:12 p.m., April 28, 2015: **SB 138**, **SB 171**, **SB 233**, **SB 252**, **SB 260**, **SB 261**, **SB 272**, **SB 283**, **SB 316**, **SB 336**, **SB 354**, **SB 385**, **SB 389**, **SB 396**, **SB 410**, **SB 411**, **SB 418**.

MESSAGES FROM THE GOVERNOR

April 27, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Monday, April 27, 2015, I signed the following bills:

Senate Bill 112 - D. Ankney
Senate Bill 123 - B. Tutvedt
Senate Bill 176 - J. Pomnichowski
Senate Bill 191 - R. Driscoll
Senate Bill 213 - F. Thomas
Senate Bill 216 - R. Webb
Senate Bill 229 - B. Tutvedt
Senate Bill 230 - C. Vincent
Senate Bill 232 - F. Moore
Senate Bill 318 - N. Swandal
Senate Bill 335 - B. Tutvedt
Senate Bill 347 - T. Facey
Senate Bill 368 - M. Rosendale
Senate Bill 379 - G. Vance

These bills were delivered to the Secretary of State's Office today.

I have returned **Senate Bill 356** - J. Fielder to the Secretary of State without signature.

I have vetoed **Senate Bill 126** - R. Webb, **Senate Bill 148** - C. Smith, **Senate Bill 149** - M. Rosendale, **Senate Bill 248** - J. Brenden, **Senate Bill 276** - R. Webb and **Senate Bill 376** - J. Brenden.

Sincerely,

STEVE BULLOCK
Governor

April 27, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 126** (SB 126), "AN ACT REVISING RESIDENTIAL LANDLORD AND TENANT LAWS; REVISING WHAT CONSTITUTES NOTICE TO INCLUDE THE RECEIPT BY TENANTS OR LANDLORDS OF INFORMATION BY ELECTRONIC MAIL; PROHIBITING THAT AN ELECTRONIC MAIL ADDRESS BE REQUIRED AS A CONDITION OF ENTERING INTO A RENTAL AGREEMENT; AND AMENDING SECTIONS 70-24-108 AND 70-24-202, MCA."

SB 126 allows both landlords and tenants to provide email addresses in their rental agreement. If an email address is provided, legal notice under landlord tenant law can be achieved via email.

Unfortunately, SB 126 does not require a landlord to notify a tenant that by providing an email address in the rental agreement, the tenant is consenting to legal notices being delivered via email, including eviction notices.

Just as troubling, SB 126 provides that a legal notice delivered via email is considered "complete upon transmission." In other words, if the emails gets misdirected to a spam folder or if the receiving party is temporarily without internet or does not regularly check email, he or she may be effectively given legal notice without ever having received actual notice.

Legal actions in landlord tenant cases can have serious consequences for both parties involved. Although I support efforts to increase ease of communication between landlords and tenants, as written, SB 126 does not provide adequate protections for either party.

For these reasons, I veto SB 126.

Sincerely,

STEVE BULLOCK
Governor

April 27, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 148** (SB 148), "AN ACT ESTABLISHING PROCEDURES FOR PREVENTING FRAUD IN PUBLIC ASSISTANCE PROGRAMS; ESTABLISHING VERIFICATION REQUIREMENTS FOR INFORMATION SUBMITTED BY APPLICANTS FOR AND RECIPIENTS OF PUBLIC ASSISTANCE; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO CONTRACT FOR A VERIFICATION SYSTEM; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 53-2-101 AND 53-2-201, MCA."

SB 148 requires the Department of Public Health and Human Services (Department) to enter into a contract with a third party vendor for a computerized eligibility verification system that duplicates the Department's existing systems for verifying eligibility for the Medicaid, Healthy Montana Kids (HMK), Temporary Assistance to Needy Families (TANF) and Supplemental

Nutrition Assistance Program (SNAP) programs. This contract could cost as much as $7.9 million dollars in the next biennium to pay vendors for work that is already done by Department employees.

SB 148 increases the administrative costs of public assistance by increasing payment to government contractors while reducing essential services. It is premised on the unfounded assumptions that applicants for public assistance routinely engage in fraud and that Department employees do not accurately determine eligibility. These assumptions are refuted by the fact that Montana has a very low Payment Error Rate Measurement (PERM) for eligibility determinations. Montana's PERM rate is 0.40% (.004) compared to the national PERM of 2.67 percent.

The Department already requires written verification from reliable sources of all factors on which eligibility is based, such as identity citizenship, income and resources. The Department does not accept self-declarations by applicants as verification except when this is required by federal law, such as in the case of presumptive eligibility for Children's Health Insurance Program (CHIP).

SB 148 also puts the Department in the untenable position of attempting to comply with conflicting federal and state laws. Section 3 of SB 148 requires the Department to verify applicants' and recipients' identity information against a number of state and federal databases. Federal law restricts the use of some federal databases for specific purposes.

Perhaps the most troubling problem with SB 148 is that it unfairly stigmatizes our fellow Montanans who are elderly, disabled and poor. Instead of striving for cost savings from more efficient and effective program administration, SB 148 makes it more difficult for Montana's most vulnerable citizens to apply for and understand our programs that exist to assist them.

SB 148 is an expensive solution to a problem that does not exist. For these reasons, I veto SB 148.

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
64TH LEGISLATURE

April 27, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 149** (SB 149), "AN ACT AUTHORIZING DIRECT PRIMARY CARE PROVIDER PLANS; ESTABLISHING REQUIREMENTS FOR DIRECT PRIMARY CARE PROVIDER PLANS; ESTABLISHING THAT DIRECT PRIMARY CARE PROVIDER PLANS ARE NOT HEALTH INSURANCE; MAKING DIRECT PRIMARY CARE PROVIDER PLANS SUBJECT TO CONSUMER PROTECTION LAWS; AND AMENDING SECTIONS 30-14-102, 33-1-102, 33-1-201, 33-1-207, 33-22-140, 33-30-101, AND 33-31-102, MCA."

SB 149 authorizes "direct primary care provider plans," under which physicians charge patients prepaid fees for primary health care instead of billing claims under the patient's insurance policy. The bill exempts these plans from the Insurance Code and includes certain disclosures the provider must make.

Direct primary care provider plans offer little or no added value to most consumers. They charge fees for treatments already covered by a consumer's health insurance, such as preventative care that insurance covers at no out-of-pocket cost to the consumer. Moreover, many insurance policies already offer flat-fee office visits similar to what SB 149 contemplates.

SB 149 has been touted as cutting insurance-related administrative expenses. Yet the bill does not prevent providers from selling these plans to some patients while accepting insurance for others -meaning the provider carries the same insurance-related overhead, but receives another income stream at the consumer's expense. SB 149 is bad for Montanans, because it allows providers to charge unnecessary fees for service already covered by insurance and fails to deliver the administrative savings it promises.

For these reasons, I veto SB 149.

Sincerely,

STEVE BULLOCK
Governor

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 248** (SB 248), "AN ACT REQUIRING THAT CERTAIN INDIVIDUALS PROVIDING PUBLIC COMMENT TO A LEGISLATOR OR LEGISLATIVE COMMITTEE MUST PROVIDE THE INDIVIDUAL'S NAME, CITY OF RESIDENCE, AND STATE OF RESIDENCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 248 requires that individuals providing written, oral or electronic comment to state legislators or to a state legislative committee provide their name, city of residence, and state of residence. If any of this information is missing, the comment may not be accepted or considered by the legislator or legislative committee.

As Governor I receive public comment every day -- via email, phone, letter, on the street and in the grocery store. The ability of citizens to express their opinions freely to their government leaders is at the core of American democracy. We may sometimes disagree with what we hear, but I believe it is our obligation as elected leaders to listen. I cannot sign into law a bill which would prohibit the elected members of our Legislature from accepting or considering the public comment of our fellow citizens.

For these reasons, I veto SB 248.

Sincerely,

STEVE BULLOCK
Governor

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 276** (SB 276), "AN ACT ESTABLISHING A DIRECTORY OF PROVIDERS OF CERTAIN PERSONAL ASSISTANCE OR ATTENDANT SERVICES OR SUPPORTS; PROHIBITING THE COLLECTION OF CERTAIN INFORMATION; AND PROVIDING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES WITH RULEMAKING AUTHORITY TO CREATE AND MAINTAIN THE DIRECTORY."

I support the creation of a voluntary online directory of publicly-funded in-home health care agencies. In fact, the Department of Public Health and Human Services (DPHHS) recently promulgated new Community First Choice rules that will allow Montana to provide additional information to consumers about both agency-directed and self-directed in-home health care services. DPHHS plans to develop an online directory that will assist Montanans in making informed decisions about service options for themselves and their family members. SB 276 is not necessary for the creation of such a directory.

Unfortunately, New Section 1(5) of SB 276 would prohibit the DPHHS from collecting information about workers who provide these publicly-funded services. This prohibition mirrors the prohibition contained in Senate Bill 277 (SB 277), which I vetoed on April 10, 2015.

The state has an interest in adequately assessing and evaluating the quality, stability and sustainability of the workforce providing publicly-funded in-home services. An important first step in understanding this vital workforce is gathering basic information about the people who provide such services and determining whether background checks have been conducted. Montana is one of only nine states that do not currently require background checks for home health care workers. While our state's rules do not go that far, they are a modest first step in better understanding this vital segment of our workforce and in helping to protect both the families being served and the workers themselves. The prohibition in SB 276 on collecting information about persons who provide in-home care for aging Montanans would prevent the state from fulfilling this important interest.

I remain committed to evaluating workforce availability and sustainability, enhancing comparative information available to consumers, and improving the consistency and quality of

care available to Montanans. SB 276 inhibits rather than supports the state's ability to advance these goals.

For these reasons, I veto SB 276.

Sincerely,

STEVE BULLOCK
Governor

April 27, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59602

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, Montana 59602

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 376** (SB 376), "AN ACT RESTRICTING THE USES OF RECOVERED AGENCY INDIRECT COSTS; AMENDING SECTION 17-1-106, MCA; AND PROVIDING AN EFFECTIVE DATE."

SB 376 provides that state agencies may use recovered indirect costs for operating expenses, such as infrastructure and maintenance, but may not use recovered funds for compensation increases or bonuses outside the legislatively authorized pay plan. Current law requires that state agencies receiving non-general funds negotiate reimbursement for indirect costs. Indirect costs are the costs for services that benefit more than one agency or program and that are not readily assignable to the agency or program specifically benefitting.

The bill allows for the use of indirect costs for "operating expenses, such as infrastructure and maintenance." This is problematic because while certain operating costs are allowable, capital expenses for infrastructure are not typically allowed as an indirect cost according to federal cost principles. The bill could put state government in conflict with federal requirements when negotiating indirect cost reimbursement amounts and methodologies. Further, the bill could create pay inequities for employees doing the same work but who are paid from an indirect cost plan as opposed to the general fund or some other source.

For these reasons, I veto SB 376.

Sincerely,

STEVE BULLOCK
Governor

April 28, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

I have vetoed **Senate Bill 99** - J. Cohenour.

Sincerely,

STEVE BULLOCK
Governor

April 27, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 99** ("SB 99"), "AN ACT GENERALLY REVISING LAWS RELATED TO THE SMALL BUSINESS HEALTH INSURANCE POOL TO REMOVE

THE PURCHASING POOL; ELIMINATING THE BOARD OF DIRECTORS OF THE SMALL BUSINESS HEALTH INSURANCE POOL; SHIFTING THE AUTHORITY OF THE BOARD OF DIRECTORS OF THE SMALL BUSINESS HEALTH INSURANCE POOL TO THE INSURANCE COMMISSIONER; REMOVING AUTHORITY TO SEEK A FEDERAL WAIVER FOR MEDICAID MATCHING FUNDS; APPROPRIATING 9% OF PREMIUM TAX TO FUND THE INSURE MONTANA PROGRAM; AMENDING SECTIONS 33-2-708, 33-22-1815, 33-22-1816, 33-22-2001, 33-22-2002, 33-22-2005, 33-22-2006, 33-22-2007, 33-22-2008, 33-22-2009, 53-2-217, AND 53-6-1201, MCA; REPEALING SECTIONS 33-22-2003, 33-22-2004, AND 53-2-216, MCA; AND PROVIDING EFFECTIVE DATES."

SB 99 would fund the small business health insurance program with $20 million of general fund dollars. Simply put, SB 99 spends too much to cover too few Montanans. As Governor, I manage the state's tax dollars with an eye toward fiscal responsibility, not unlike Montana's small business owners. SB 99 is fiscally irresponsible when other options are available for employers and employees to procure health insurance. Insure Montana currently provides subsidies to a little over 1,000 businesses at a cost of approximately $10 million per year, which comes to approximately $10,000 per business.

The program is administered on a first-come, first-served basis – benefiting the businesses that were first in line but leaving others to manage health care costs on their own.

The program has not expanded its waiting list for years, and this bill does nothing to address clearing the waiting list. In fact, by changing the eligibility criteria to participate from businesses with up to nine employees to those with up to 25 employees, SB 99 will actually increase the number of businesses on the waiting list.

SB 99 is not a wise use of taxpayer dollars and provides a benefit to a very small percentage of businesses. As introduced, SB 99 would have created a Montana solution to helping small businesses afford health insurance. However, the amendments placed on the bill removed a new, dedicated source of funding to continue and expand the program to more businesses without using general fund dollars for the program. It is unfortunate the original version of SB 99 did not make it to my desk. Through the State's budget bill, HB 2, I have worked out a bi-partisan compromise, agreed to by both Democrats and Republicans, which will continue coverage for those participating in the program through December of 2015.

In 2016, small businesses and employees on the program can join the thousands of other Montana small businesses and employees who already have the option of finding health insurance coverage and tax credits on Montana's health insurance marketplace.

For these reasons, I veto SB 99.

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
64TH LEGISLATURE

April 28, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Tuesday, April 28, 2015, I signed the following bills:

Senate Bill 47 - J. Pomnichowski
Senate Bill 52 - J. Cohenour
Senate Bill 54 - Dick Barrett
Senate Bill 66 - D. Sands
Senate Bill 91 - F. Thomas
Senate Bill 102 - D. Ankney
Senate Bill 169 - B. Hamlett
Senate Bill 192 - R. Driscoll
Senate Bill 249 - J. Cohenour
Senate Bill 367 - J. Taylor

These bills were delivered to the Secretary of State's Office today.

I have returned **Senate Bill 181** - E. Arntzen, **Senate Bill 298** - J. Fielder and **Senate Bill 350** - C. Smith to the Secretary of State without signature.

I have also delivered **Senate Bill 224** - C. Wolken to the Secretary of State's Office since the sponsor concurred with my line item veto.

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
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April 29, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Wednesday, April 29, 2015, I signed the following bills:

Senate Bill 7 - R. Webb
Senate Bill 93 - P. Connell
Senate Bill 128 - K. Hansen
Senate Bill 136 - B. Hamlett
Senate Bill 157 - B. Tutvedt
Senate Bill 193 - B. Tutvedt
Senate Bill 195 - M. Caferro
Senate Bill 258 - B. Hoven
Senate Bill 259 - B. Tutvedt
Senate Bill 308 - J. Fielder
Senate Bill 364 - J. Cohenour
Senate Bill 405 - E. Buttrey

These bills were delivered to the Secretary of State today.

I have vetoed **Senate Bill 217** - K. Hansen, **Senate Bill 280** - F. Moore, **Senate Bill 288** - B. Tutvedt, **Senate Bill 349** - C. Smith, **Senate Bill 371** - M. Blasdel. These bills and veto messages have been delivered to the Secretary of State

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
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April 29, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the law of the State of Montana, I hereby veto **Senate Bill 217** (SB 217), "AN ACT REVISING VITAL STATISTICS LAWS; REQUIRING THAT FORMS FOR THE COLLECTION OF VITAL STATISTICS CLEARLY STATE WHICH INFORMATION IS REQUIRED AND WHICH INFORMATION IS OPTIONAL; CLARIFYING THAT CERTAIN INFORMATION ON BIRTH CERTIFICATES IS OPTIONAL AND REQUIRING A PARENT'S CONSENT BEFORE THAT INFORMATION IS PROVIDED ON THE PARENT'S BEHALF; AND AMENDING SECTIONS 50-15-124 AND 50-15-221, MCA"

The State of Montana, as do all 50 states, follows the National Center for Health Statistics recommendations regarding data elements collected in birth records. In so doing, we assure uniformity of vital record information collected across the United States. While little of the information gathered by these forms is specifically required by state or federal law, DPHHS has been able to rely upon data from multiple sources in order ensure accurate monitoring of a variety of health topics to:

- Document the health status of Montana residents and selected subgroups.
- Track the impact of major policy initiatives and offer quantitative support of those programs.
- Identify disparities in health status and use of health care by race/ethnicity, socio-economic status, and other population characteristics and geographic regions.
- Monitor trends in health indicators.

This activity has allowed DPHHS to identify preventable risks and adverse conditions among mothers and infants statewide, and implement and evaluate prevention actions to address these risks and adverse conditions. Aggregate data from the birth records is also used by local and Tribal Health Departments, clinical providers, and hospitals to identify and implement public health and clinical actions to improve the health of mothers and infants served in local areas.

The introduction of an affirmative consent requirement to gather health and demographic in birth record forms and emphasizing the optional nature of data fields in other forms, anecdotal evidence tells us that the quality of larger body of information we amass will be detrimentally impacted. This impact can be particularly troublesome in conducting public health surveillance of rare conditions and other indicators that implicate small sample sets.

SB 217 would require that affirmative consent be obtained in order to gather certain data from birth records. By becoming the only state in the union that does not track the National Center for Health Statistics recommendations regarding data elements collected in birth records, we jeopardize our ability to accurately monitor and address the ever-changing health needs of our population.

Because SB 217 potentially reduces our ability to protect public health, I respectfully request that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

April 29, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 280** (SB 280), "AN ACT REVISING LAWS REGARDING THE LIABILITY OF REGULATED LENDERS FOR CERTAIN TRANSACTIONS CONDUCTED THROUGH WRITTEN DOCUMENTS; AND AMENDING SECTION 31-1-116, MCA."

SB 280 is one of two bills that were promulgated in response to a Montana Supreme Court decision holding Bank of America liable for fraudulent statements to struggling homeowners, Morrow v. Bank of America, 2014 MT 117. As I stated in my veto letter for the companion bill, Senate Bill 281, as Attorney General, I participated in litigation against five of the biggest banks, including Bank of America, that alleged that these institutions routinely violated state and federal law and engaged in deceptive practices. In February of 2012, I joined a landmark agreement that held these banks financially liable and imposed national standards to protect consumers from future abuse. In the process, my office handled hundreds of complaints by Montana homeowners who had been mistreated and deceived by the large, national banks. I also heard from Montana bankers who were frustrated by the way some of their borrowers were treated by the national banks, after their home loans were sold on the secondary mortgage market.

I recognize that SB 280 was amended to narrow its scope and impact; it does not apply to loans

secured solely by a trust indenture on a single family residential real property that is owned and occupied by the borrower. However, there are many other types of secured loans, some of which are secured by a trust indenture. These include, for example, small business properties, rental properties, agricultural lands, timberlands, manufactured homes, homes on more than 40 acres, loans for purchases of high cost vehicles or equipment, operating lines of credit, or other business loans. For all of these types of loans, SB 280 would prohibit any action in tort or contract that is not based on a writing signed by a regulated lender.

As with respect to its companion bill, SB 280 sweeps too broadly. The bill's proponents misapprehend the effect of the Supreme Court's decision in Morrow. I do not believe that Montana banks and credit unions engage in the type of conduct that was at issue in the Morrow case, and there was no evidence introduced in the legislative process that would suggest that to be the case. The changes proposed by 280 are, therefore, not necessary to protect Montana lenders.

For these reasons, I veto SB 280.

Sincerely,

STEVE BULLOCK
Governor

April 29, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 288** (SB 288), "AN ACT PROVIDING THAT A WORKERS' COMPENSATION INSURER HAS FULL SUBROGATION RIGHTS AGAINST AN AT-FAULT THIRD PARTY FOR MEDICAL CLAIMS REGARDLESS OF WHETHER DAMAGE AWARDS EXCEED A COMBINATION OF WORKERS' COMPENSATION BENEFITS AND THIRD-PARTY SETTLEMENTS; AMENDING SECTION 39-71-414, MCA; AND PROVIDING AN EFFECTIVE DATE."

SB 288 changes the law governing subrogation in workers compensation cases where the injured worker recovers damages in a third-party liability case. The bill would allow the workers compensation insurer to recover medical payments made on behalf of the injured worker, regardless of whether the injured worker suffers damages in excess of the workers

compensation benefits and third party recovery combined.

The effect of SB 288 in many cases would be to cause harm to a worker who has suffered serious, life-altering injuries. And, even in cases involving less serious injuries, given the low limits of our mandatory insurance liability law, an injured worker will often be left undercompensated for their injuries and damages due to the effects of SB 288's changes in subrogation law.

The primary concern expressed by proponents of SB 288 is the effect that high cost injuries have on their "mod factor" - the modification factor used to calculate employers' premium rates. The mod factors may also adversely affect employers' abilities to get contracts with some companies and governmental entities. While these are serious and legitimate concerns, SB 288 does not directly address those concerns. I believe efforts should be made in the coming interim to identify ways to address the legitimate concerns of employers, without inequitably harming the rights of injured employees to obtain full legal redress for their injuries. Therefore, I will direct the Commissioner of Labor and Industries and other members of my administration to work with the Labor Management Advisory Council and other stakeholders to identify possible alternative ways of addressing the concerns underlying SB 288.

For these reasons, I veto SB 288.

Sincerely,

STEVE BULLOCK
Governor

April 29, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 349** (SB 349), "AN ACT REQUIRING AN ISSUER WHO OFFERS HEALTH INSURANCE COVERAGE THAT INCLUDES ELECTIVE ABORTION COVERAGE TO ALSO SELL HEALTH INSURANCE COVERAGE THAT DOES NOT INCLUDE ELECTIVE ABORTION COVERAGE; REQUIRING NOTICE; AND PROVIDING AN EFFECTIVE DATE."

As a father, husband, and son, I stand firmly opposed to restrictions on a woman's ability to

make deeply personal medical decisions in consultation with her medical provider, family members, and spiritual leaders. As elected officials, we should all be working together to expand access to health care services in Montana. Unfortunately, SB 349 and several other bills proposed this session seek to do just the opposite.

Instead of focusing on solutions that help women and families in Montana, SB 349 attempts to score political and ideological points at the expense of women's health. Currently, insurance policies on the exchange offer a wide range of reproductive and pregnancy-related services, including medically necessary abortions. SB 349 forces insurance companies to offer plans that exclude abortion services except in extraordinary circumstances when the life of the mother is endangered. A women's health care coverage should be comprehensive; in consultation with her doctor, she is legally entitled to make determinations about health risks associated with her pregnancy.

Although SB 349 supporters would like to claim that consumers should have a choice between plans that cover medically necessary abortions and those that do not, the truth is that it is impossible for families to anticipate in advance unforeseen and unexpected events. Under this bill, a woman could be faced with any number of medical emergencies and find herself without the coverage she needs to make the best decision for herself and her family.

Furthermore, SB 349 would create additional administrative burdens and costs for insurance companies, potentially doubling the number of insurance products on the exchange, and ultimately leading to increased costs for consumers.

Montana's elected officials have no business substituting their personal beliefs for the sound medical judgment of our healthcare professionals or the deeply personal medical decisions of their constituents.

For these reasons, I veto SB 349.

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
64TH LEGISLATURE

April 29, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 371** (SB 371), "AN ACT REVISING TENANT NONCOMPLIANCE AND TERMINATION LAWS; REVISING NOTICE REQUIREMENTS FOR A LANDLORD TO TERMINATE AN AGREEMENT; DETERMINING WHEN A TENANCY IS A PURPOSEFUL HOLDOVER BASED ON TERMINATION OF AN AGREEMENT; ALLOWING A LANDLORD TO COLLECT CERTAIN PENALTIES AND TREBLE DAMAGES WHEN AGREEMENTS ARE TERMINATED; REVISING HOLDOVER REMEDIES; REDUCING THE TIME FOR FILING AN ANSWER; ALLOWING A LANDLORD DEFAULT JUDGMENT UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTIONS 70-24-422, 70-24-429, 70-33-422, 70-33-429, AND 70-33-433, MCA."

SB 371 makes several changes to landlord-tenant law which could result in unjust outcomes for tenants facing unexpected or difficult circumstances. Under existing law, landlords have the right to terminate a rental agreement for a variety of reasons. In some instances, landlords are entitled to treble damages. SB 371 adds to the reasons a landlord may terminate an agreement, including failure to pay any fees and penalties that a landlord may stack on top of the rent and utility obligations of a tenant. The bill provides for automatic termination of a rental agreement if rent, fees, penalties or utility bills are not paid within 3 days of notice of nonpayment from the landlord, and deems the tenant a purposeful holdover for the purpose of allowing treble damages. The bill also shortens the time for a tenant to answer a landlord's legal action for possession from 10 days to three days. Further, SB 371 eliminates the requirement that a landlord notice of noncompliance to a tenant explicitly state the date the rental agreement will terminate if the tenant does not come into compliance. The elimination of this language from a notice of noncompliance makes it more likely a tenant will be subject to fees, penalties, and actions for eviction.

SB 371 is simply too harsh. A tenant who loses a job or has a medical emergency could swiftly find themselves looking at treble damages in addition to penalties and fees in excess of any late rent payment. The provision for automatic termination of rental agreements, followed by an action for treble damages, will invariably result in great injustice in certain circumstances. Automatic termination also deprives landlords of flexibility in working out resolutions with tenants who find themselves in unexpected and difficult circumstances. The shortening of the response times to landlord actions for possession is further designed to ensure default decisions and eviction.

Existing law provides adequate recourse for landlords against holdover tenants. SB 371

unreasonably favors landlords and will result in unjust outcomes for tenants.

For these reasons, I veto SB 371.

Sincerely,

STEVE BULLOCK
Governor

April 30, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Thursday, April 30, 2015, I signed the following bills:

Senate Bill 234 – F. Thomas
Senate Bill 325 – J. Keane (see signing statement)
Senate Bill 345 – E. Arntzen

These bills were delivered to the Secretary of State today.

I have vetoed **Senate Bill 160** – D. Ankney. This bill and veto message has been delivered to the Secretary of State.

Sincerely,

STEVE BULLOCK
Governor

April 30, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

SENATE JOURNAL
ADDENDUM
64TH LEGISLATURE

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate 160** (SB 160), "AN ACT PROVIDING ADDITIONAL DEFINITIONS OF A NATURAL CONDITION OF A STREAM; AND AMENDING SECTION 75-5-306, MCA."

Section 75-5-306 of the water quality act generally provides that the Department of Environmental Quality (DEQ) may not require the treatment of effluent to a condition that is purer than the natural condition of the receiving stream. It also defines the term "natural." SB 160 adds to that definition as a separate category of natural the "nonanthropogenic condition" of the stream. The express concern to be addressed by SB 160 is to clarify that "nonanthropogenic condition" is a subset of "natural."

Today I'm signing Senate Bill 325 (SB 325). I do so in the firm belief that this bill will strengthen the ability of DEQ to protect water quality. In this context, SB 325 does two things: first, SB 325 requires that the water quality standard for a stream may not be more stringent than the nonanthropogenic condition of that stream; second, and for those streams where the nonanthropogenic condition of the stream is the water quality standard, the bill expressly requires DEQ to act to protect downstream water quality, which by definition includes downstream uses.

I am vetoing SB 160 for three reasons. First, the sponsor's purpose in introducing SB 160, which was to place in the Montana Water Quality Act a provision that more closely tracks the federal Clean Water Act, is achieved by passage of SB 325.

Second, under SB 325, when the existing standard is more stringent than the "nonanthropogenic condition" of the receiving stream, that condition becomes the standard. However, that is just the starting point. If more stringent limits are necessary to protect downstream water quality standards, DEQ must impose those more stringent limits in the permitting process. Thus, whether or not the "nonanthropogenic condition" is part of "natural' is irrelevant, and SB 160 is unnecessary.

Furthermore, passage of both SB 160 and SB 325 would confuse the law. SB 325 deals very specifically with situations in which a water quality standard is more stringent than the nonanthropogenic condition of the stream. Section 75-5-306, which SB 160 amends, is a more general statute that deals with a broader range of situations. To expressly include nonanthropogenic conditions in Section 75-5-306 would create confusion as to how nonanthropogenic condition standards are to be implemented.

For these reasons, I veto SB 160.

Sincerely,

STEVE BULLOCK
Governor

April 30, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

I hereby sign into law **Senate Bill 325**, "AN ACT REVISING THE BOARD OF ENVIRONMENTAL REVIEW PROCESS FOR ADOPTING WATER QUALITY REGULATIONS MORE STRINGENT THAN FEDERAL REGULATIONS; REVISING IMPLEMENTATION OF WATER QUALITY STANDARDS THAT ARE PURER THAN A NATURAL CONDITION OF A WATERCOURSE OR WATER SOURCE; REVISING THE PROCESS FOR RECLASSIFYING WATER QUALITY STANDARDS; REVISING THE PROCESS FOR ADOPTING SITE-SPECIFIC WATER QUALITY STANDARDS; PROVIDING A DEFINITION; AMENDING SECTION 75-5-203, MCA; AND REPEALING SECTION 75-5-309, MCA.

I do so in the firm belief that this bill will strengthen the ability of the Department of Environmental Quality (DEQ) to protect water quality. SB 325 does three things:

First, SB 325 requires that the water quality standard for a stream may not be more stringent than the condition of that stream as it existed without human disturbance ("nonanthropogenic condition"). This not only makes sense, but provides clarity as well.

Second, and for those streams where SB 325 is applicable, the bill expressly requires DEQ to protect downstream water quality: "The department shall implement the standard in a manner that provides for the attainment and the maintenance of the water quality standards for downstream waters." By definition, water quality standards protect uses, so protecting those standards downstream will protect the uses downstream.

This language also clarifies current law. As it stands now, a discharger could argue that a permit cannot require treatment purer than the nonanthropogenic condition even if that is necessary to protect downstream water quality. SB 325 expressly eliminates that argument.

Third, SB 325 allows DEQ to issue to a discharger a temporary variance when a receiving

stream exceeds water quality standards due to upstream pollution, rather than forcing cleanup by downstream parties not responsible for that pollution. This will fix a significant problem faced by many communities across the state.

It is worth noting that none of this will happen without extensive public involvement, as the Board of Environmental Review sets out to determine the nonanthropogenic condition of streams, and DEQ proceeds to consider discharge permits for those waterways. SB 325 provides more clarity and direction, strengthening DEQ's hand to protect both water quality and downstream water users.

Sincerely,

STEVE BULLOCK
Governor

May 4, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Monday, May 4, 2015, I signed and delivered the following bills to the Secretary of State's Office:

Senate Bill 20 – C. Vincent
Senate Bill 175 – C. Wolken
Senate Bill 188 – C. Vincent
Senate Bill 306 – E. Arntzen
Senate Bill 309 – J. Hinkle
Senate Bill 312 – M. Phillips
Senate Bill 326 – J. Hinkle
Senate Bill 375 – S. Sales
Senate Bill 380 – C. Larsen
Senate Bill 386 – J. Cohenour
Senate Bill 393 – E. Arntzen
Senate Bill 409 – C. Vincent

I have returned **Senate Bill 293** – B. Hamlett to the Secretary of State without signature.

I have vetoed **Senate Bill 171** – B. Tutvedt, **Senate Bill 245** – D. Kary, **Senate Bill 284** – J. Brenden, **Senate Bill 334** – J. Fielder. These bills and veto messages have been delivered to the Secretary of State.

Sincerely,

STEVE BULLOCK
Governor

May 4, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 171** (SB 171), "AN ACT GENERALLY REVISING TAXATION OF INCOME, INCLUDING THE CORPORATE INCOME TAX; REQUIRING THE TAXATION OF INDIVIDUALS, PARTNERSHIPS, AND SUBCHAPTER S. CORPORATIONS, INCLUDING TRUSTS AND ESTATES, TO RELATE THE STATE INDIVIDUAL INCOME TAX TO FEDERAL TAXABLE INCOME; PROVIDING ADJUSTMENTS TO FEDERAL TAXABLE INCOME TO INCLUDE CERTAIN INCOME; PROVIDING ADJUSTMENTS TO FEDERAL TAXABLE INCOME TO EXCLUDE CERTAIN INCOME; ELIMINATING MOST INDIVIDUAL INCOME TAX DEDUCTIONS; ELIMINATING CERTAIN INDIVIDUAL INCOME TAX CREDITS; REVISING CERTAIN INDIVIDUAL INCOME TAX CREDITS; ELIMINATING CERTAIN CORPORATE INCOME TAX DEDUCTIONS AND CREDITS; REVISING INDIVIDUAL INCOME TAX RATES SUBJECT TO A REDUCTION FOR NET CAPITAL GAIN INCOME; PROVIDING A TRANSITION FOR CREDITS THAT ARE SUBJECT TO A CARRYFORWARD; PROVIDING A TRANSITION FOR DIFFERENCES IN FEDERAL AND MONTANA INCOME TAX LAWS; REENACTING THE BIG SKY ON THE BIG SCREEN ACT AND MAKING PERMANENT THE AVAILABILITY AND USE OF TAX CREDITS; PROMOTING THE MOTION PICTURE AND TELEVISION INDUSTRIES AND RELATED MEDIA IN MONTANA BY PROVIDING TAX INCENTIVES FOR FILMING AND FOR DEVELOPING MAGAZINE ADVERTISING IN MONTANA; ALLOWING A PRODUCTION COMPANY A TAX CREDIT FOR EMPLOYING MONTANA RESIDENTS; ALLOWING A PRODUCTION COMPANY A TAX CREDIT FOR QUALIFYING EXPENDITURES MADE IN MONTANA; REQUIRING A PRODUCTION COMPANY TO APPLY TO THE DEPARTMENT OF COMMERCE FOR STATE CERTIFICATION OF A PRODUCTION TO QUALIFY FOR THE TAX CREDITS; REQUIRING AN APPLICATION AND AN APPLICATION FEE FOR A PRODUCTION COMPANY TO CLAIM

TAX CREDITS FOR A STATE-CERTIFIED PRODUCTION; REQUIRING THAT THE APPLICATION FEE BE USED FOR ADMINISTERING THE TAX CREDITS; PROVIDING A STATUTORY APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-18-1312, 7-14-1133, 7-14-1636, 7-34-2416, 15-30-2101, 15-30-2102, 15-30-2103, 15-30-2104, 15-30-2113, 15-30-2151, 15-30-2153, 15-30-2328, 15-30-2329, 15-30-2337, 15-30-2341, 15-30-2501, 15-30-2512, 15-30-2602, 15-30-2605, 15-30-2606, 15-30-2618, 15-30-2364, 15-30-3003, 15-30-3004, 15-30-3005, 15-30-3312, 15-31-125, 15-31-127, 15-31-131, 15-31-162, 15-32-104, 15-32-106, 15-61-202, 15-61-203, 15-62-208, 15-63-202, 17-7-502, 19-2-1004, 19-17-407, 19-18-612, 19-19-504, 19-20-706, 19-21-212, 33-22-2006, 33-27-101, 33-27-102, 33-27-103, 37-4-104, 53-2-211, 67-11-303, 70-9-803, 75-2-103, 75-5-103, 87-2-102, AND 87-2-105, MCA; REPEALING SECTIONS 7-21-3701, 7-21-3702, 7-21-3703, 7-21-3704, 7-21-3710, 7-21-3715, 15-30-2110, 15-30-2111, 15-30-2114, 15-30-2115, 15-30-2116, 15-30-2117, 15-30-2119, 15-30-2131, 15-30-2132, 15-30-2133, 15-30-2141, 15-30-2142, 15-30-2143, 15-30-2144, 15-30-2152, 15-30-2301, 15-30-2319, 15-30-2320, 15-30-2356, 15-31-124, 15-31-134, 15-31-137, 15-31-163, 15-31-172, 15-32-109, 15-32-115, 15-32-201, 15-32-202, 15-32-203, 15-32-301, 15-32-302, 15-32-303, 15-32-401, 15-32-402, 15-32-404, 15-32-405, 15-32-406, 15-32-407, 15-32-501, 15-32-502, 15-32-503, 15-32-504, 15-32-505, 15-32-506, 15-32-507, 15-32-508, 15-32-509, 15-32-510, 15-32-701, 15-32-702, 15-32-703, 15-62-207, AND 33-2-724, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND A TERMINATION DATE."

SB 171 is a significant rewrite of the Montana system of income taxation. Simplification is a laudable goal, but unfortunately SB 171 raises more issues than it resolves. Montana's system of income taxation is generally recognized as stable, progressive, and fair. Montana's tax system also receives high marks for being fair and business friendly when compared with other states. And, while it certainly can be improved, we need to ensure that changes minimize any harm. In my view that standard is not met by SB 171.

First, SB 171 will raise income taxes for approximately 17 percent or 75,000 of Montana's income taxpayers. Second, the bill sunsets the Energy Conservation Credit, the Geothermal Heating System Credit and the Alternative Energy System Credit, which are widely used and play an important role in encouraging taxpayers to reduce fossil fuel reliance and meet air quality standards. This elimination is partially justified by a promise of replacing these credits with a grant program in the next legislative session. This promise, however, is dependent upon future legislative action that may not come to pass. Finally, at a cost of close to 30 million over the next two years, SB 171 will have a significant negative effect on balancing our budget and maintaining a sound ending fund balance.

For these reasons I veto SB 171.

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
64TH LEGISLATURE

May 4, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 245** (SB 245), "AN ACT PROVIDING FOR POSTSEASON ELK POPULATION MANAGEMENT THROUGH AN ANTLERLESS ELK HUNT; CLARIFYING THE DUTIES OF THE FISH AND WILDLIFE COMMISSION AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; REQUIRING ANNUAL REPORTS FROM THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS REGARDING SUSTAINABLE POPULATION NUMBERS FOR BIG GAME AND THE POSTSEASON HUNTS; AMENDING SECTIONS 87-1-201, 87-1-301, 87-1-321, 87-1-323, 87-1-324, 87-1-325, 87-2-501, AND 87-2-513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 245 is unnecessary. The Fish and Wildlife Commission (Commission) currently possesses the authority to implement the sort of elk harvest management option represented in SB 245. Placing such a provision in statute may inadvertently constrain new harvest management options, and interfere with an ongoing, comprehensive review and implementation of new tools for addressing elk population concerns.

The Department of Fish, Wildlife and Parks (FWP) and the Commission understand the concerns over elk populations that are exceeding established objectives. They are also fully mindful that the current season structure has not been as effective as is necessary. In response to my mandate for improving landowner, agency, and sportsmen relationships, FWP has initiated a comprehensive effort to assess the current elk harvest tools available, to review and apply lessons from management experience and research to date, and to develop new and innovative tools to better address over objective populations. This ongoing constituent and landowner-based effort to identify better options (including "shoulder seasons" where appropriate) is the preferred method for reaching a full understanding of both public and landowner needs and expectations.

I am very sensitive to balancing the interests of landowners and sportsmen, which are unfortunately too often portrayed as a zero sum game. Working in good faith with landowners, sportsmen, and other stakeholders associated with our wildlife resources is a critical component of providing effective wildlife management in our state. I am directing FWP to step up its efforts to work with affected landowners to mitigate impacts and allow for greater elk harvest and public opportunity, and will ask the Private Lands/Public Wildlife Council to work with FWP and the Commission to take up this issue for further public discussion and to assist in providing recommendations. I also fully expect that FWP will keep the interim Environmental Quality Council apprised of these efforts and their measured effectiveness.

For these reasons, I veto SB 245.

Sincerely,

STEVE BULLOCK
Governor

May 4, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 284** (SB 284), "AN ACT AN ACT REQUIRING AUTHORIZATION OF THE BOARD OF COUNTY COMMISSIONERS BEFORE WILD BUFFALO OR WILD BISON ARE RELEASED INTO A COUNTY; REQUIRING RELEASE OF WILD BUFFALO OR WILD BISON TO MEET CERTAIN CONDITIONS; AMENDING SECTIONS 7-1-111, 76-1-605, 81-2-120, AND 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

SB 284 sets a dangerous precedent by supplanting the state's management of its fish and wildlife with county regulation. Montana's wildlife is held in trust for all citizens of the state, not just those citizens of a particular county. Management by political boundary may have little connection to how fish and wildlife actually use a landscape or waterway. This is reflected in current statutes, such as section 7-1-111(12), MCA.

By statute, the Department of Fish, Wildlife and Parks (FWP) is required to follow a thorough, comprehensive, and very public process in determining if and where brucellosis-free bison could be transplanted or relocated within the state. Many of the concerns and issues that are to be expressly considered and addressed by FWP (and the state veterinarian) in any management plan include those same concerns that county commissions would be charged with addressing under SB 284. In addition, FWP is required, at a minimum, to hold a public hearing in the affected county or counties. There is nothing in those statutes that prohibits an affected county from engaging in additional processes as it sees fit, and providing FWP with its recommendations. But an absolute veto right over FWP's determinations renders the state law provisions meaningless.

To further the public engagement around these issues I have asked FWP to make deliberate efforts to go well beyond the statutory requirements to engage interested stakeholders, and I

believe that this approach is providing valuable opportunities for Montanans to have meaningful dialogue.

We have successfully relocated brucellosis-free Yellowstone bison to tribal lands managed by the Fort Peck Assiniboine and Sioux Tribes, and the Fort Belknap Assiniboine and Gros Ventre Tribes, and I am proud of those efforts. This legislation does not include any tribal consultation, which may impact those Tribes who have established their own herds. Tribal governments are sovereign nations, with broad authority over the lands and wildlife within their boundaries. Any comparison to county governments, which are political subdivisions of the state, misses the mark.

Nevertheless, if and when FWP finds that relocating bison to a particular place is appropriate, it would be reasonable to expect FWP to work closely with any affected county to consider the county's concerns.

I vetoed a similar bill in 2013 and requested that FWP do more to work cooperatively with Montana counties and tribes. I believe the department is working hard to meet that expectation.

For these reasons, I veto SB 284.

Sincerely,

STEVE BULLOCK
Governor

May 4, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 334** (SB 334), "AN ACT REVISING THE DEFINITION OF 'GAME ANIMAL' TO INCLUDE GAME BIRDS AND FURBEARERS; REVISING THE DEFINITION OF 'PREDATORY ANIMAL'; AND AMENDING SECTIONS 7-3-1105, 7-3-1222, 7-31-4110, 50-50-401, 87-1-293, 87-2-101, 87-2-520, 87-2-702, 87-2-803, 87-3-128, 87-4-406, 87-4-414, 87-4-418, 87-4-427, 87-6-101, 87-6-202, 87-6-204, 87-6-205, 87-6-206, 87-6-207, 87-6-208, 87-6-214, 87-6-215, 87-6-301, 87-6-304, 87-6-305, 87-6-401, 87-6-403, 87-6-404, 87-6-405, 87-6-411, AND 87-6-904, MCA."

SB 334, by changing the definition of game animal, has the potential to alter the very foundation of wildlife management in Montana. The reach of this bill goes deep into administrative regulations and policies that have been embedded in wildlife management for decades. A change like that proposed by SB 334 deserves a comprehensive conversation involving professionals and constituents alike that focuses on the necessity of such a fundamental shift, viewed against the existing substantive management by the Montana Department of Fish, Wildlife and Parks.

Because that conversation did not occur, unintended consequences to existing management practices were discovered late in the process, requiring multiple lengthy amendments. These amendments further complicated the real intent and value of this legislation. It is likely that other unintended consequences will be discovered if SB 334 becomes law.

For these reasons, I veto SB 334.

Sincerely,

STEVE BULLOCK
Governor

May 5, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Tuesday, May 5, 2015, I signed and delivered the following bills to the Secretary of State's Office:

Senate Bill 83 – C. Kaufmann
Senate Bill 100 – C. Larsen
Senate Bill 180 – B. Hoven
Senate Bill 211 – E. Buttrey
Senate Bill 252 – L. Jones
Senate Bill 260 – F. Moore
Senate Bill 378 – E. Arntzen
Senate Bill 399 – F. Thomas
Senate Bill 401 – M. Caferro
Senate Bill 418 – L. Jones

I have signed **Senate Bill 390** – E. Arntzen into law with the exception of Section 2, which I have line-item vetoed.

Sincerely,

STEVE BULLOCK
Governor

May 5, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby deliver to you **Senate Bill 390** (SB 390), "AN ACT REQUIRING THE ECONOMIC AFFAIRS INTERIM COMMITTEE TO CONDUCT AN INTERIM STUDY OF FEES ASSESSED BY THE DEPARTMENT OF LABOR AND INDUSTRY AND PROFESSIONAL LICENSING BOARDS; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE," which, except for one line-item veto, I have signed into law.

SB 390 requires the Economic Affairs Interim Committee to conduct a study of the fees charged by the Department of Labor and Industry to licensing boards. The study must include all fees incurred, calculated or charged that are related to licensing and renewals; compliance, inspections and audits; legal and enforcement efforts; and direct costs, indirect costs and legal costs. The study will determine if the costs are commensurate for the services provided and if the services provided add value to the work of the boards and contribute to public safety.

As Governor, I may line-item veto the following items in an appropriations bill: (1) a specific appropriation contained in the bill; (2) a condition that limits the use to which an appropriation may be put but only if the appropriation to which it is attached is vetoed as well; and (3) a rider. My line-item veto strikes the $7,000 appropriation from SB 390, because the Legislature has the resources needed to support the interim study without increased funding. Under HB 2, $1.3 million is appropriated to support legislative committees and activities during the interim, including studies of the kind required under SB 390.

For these reasons, I sign SB 390 into law with the exception of Section 2.

Sincerely,

STEVE BULLOCK
Governor

May 6, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Wednesday, May 6, 2015, I signed and delivered **Senate Bill 272** – J. Windy Boy and **Senate Bill 411** – M. Caferro to the Secretary of State's Office.

I have returned the following bills to the Secretary of State without signature:

Senate Bill 122 – M. Rosendale
Senate Bill 212 – S. Sales
Senate Bill 387 – C. Smith

Sincerely,

STEVE BULLOCK
Governor

May 7, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Thursday, May 7, 2015, I signed and delivered **Senate Bill 261** – B. Hamlett to the Secretary of State.

Sincerely,

STEVE BULLOCK
Governor

May 8, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Friday, May 8, 2015, I signed and delivered the following bills to the Secretary of State's Office:

Senate Bill 233 – M. Caferro
Senate Bill 283 – J. Brenden
Senate Bill 336 – B. Keenan
Senate Bill 385 – R. Webb
Senate Bill 389 – B. Hamlett
Senate Bill 396 – E. Buttrey

I have returned **Senate Bill 410** – L. Jones to the Secretary of State without signature.

I have vetoed **Senate Bill 138** – B. Hoven, **Senate Bill 316** – R. Webb and **Senate Bill 354** – R. Ripley. These bills and veto messages have been delivered to the Secretary of State.

Sincerely,

STEVE BULLOCK
Governor

May 8, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

SENATE JOURNAL
ADDENDUM
64TH LEGISLATURE

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 138** (SB 138), "AN ACT PROVIDING CERTAIN LEGAL PROTECTIONS FOR PRIVATE EMPLOYERS, EDUCATIONAL PROGRAMS OR INSTITUTIONS, AND PRIVATE LANDLORDS REGARDING EMPLOYMENT OF, ENROLLMENT OF, OR RENTAL TO INDIVIDUALS WHO HAVE CRIMINAL BACKGROUNDS; PROVIDING FOR A REHABILITATION CERTIFICATE AS A PRESUMPTION OF REHABILITATION; AMENDING SECTION 37-1-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

SB 138 extends liability protection to private employers, educational institutions and landlords that hire, accept, or rent to individuals with criminal records, if certain requirements are met. The purpose of the bill is to reduce recidivism by making it easier for individuals convicted of an offense to re-enter society.

While I support the intent of this bill, it creates immunities that are too sweeping and leaves basic questions unanswered about its implementation. The immunity conferred to educational institutions and landlords is very broad, and arguably applies to any acts committed by a student or tenant regardless of whether the educational institution or landlord knew or should have known an individual would commit a tortious act. Further, I am concerned by a grant of immunity from liability that follows from accepting false or incomplete information about someone's criminal background. Under this bill, an employer, landlord or school official that has specific knowledge about a person, but who obtains false or incomplete information from that person as to their criminal background, is completely immunized from any liability due to that person's subsequent conduct. Further, it is unclear who is responsible for responding to an individual's petition for a rehabilitation certificate. There is also no guidance as to what constitutes a valid certificate of completion from a correctional institution. What constitutes an offense "not related to the employment" is very ambiguous.

I agree with the supporters of this bill that we need to take steps to reduce recidivism and encourage the successful re-entry of offenders into society. However, SB 138 is too broad in its scope, and too general in its language for successful implementation.

For these reasons, I veto SB 138.

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
64TH LEGISLATURE

May 8, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 316** (SB 316), "AN ACT GENERALLY REVISING LAWS GOVERNING WHEN CERTAIN INDIVIDUALS MAY BE TRANSFERRED TO A CORRECTIONAL FACILITY; ESTABLISHING A REVIEW AND HEARING PROCESS THAT MUST BE COMPLETED BEFORE A PERSON SENTENCED TO THE CUSTODY OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MAY BE TRANSFERRED FROM A MENTAL HEALTH, RESIDENTIAL, OR DEVELOPMENTAL DISABILITIES FACILITY TO A CORRECTIONAL FACILITY; ALLOWING A PERSON WHO IS TRANSFERRED TO A CORRECTIONAL FACILITY AFTER A REVIEW AND HEARING PROCESS TO APPEAL THE DECISION TO A DISTRICT COURT JUDGE; REQUIRING THAT CERTAIN MENTAL HEALTH TREATMENT BE PROVIDED TO A PERSON TRANSFERRED TO A CORRECTIONAL FACILITY; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO TRANSFER A PERSON BACK TO A MENTAL HEALTH, RESIDENTIAL, OR DEVELOPMENTAL DISABILITIES FACILITY IF CERTAIN PROFESSIONALS DETERMINE THAT THE PERSON'S PLACEMENT IN A CORRECTIONAL FACILITY IS NOT BEST MEETING THE PERSON'S CUSTODY, CARE, AND TREATMENT NEEDS; AND AMENDING SECTION 46-14-312, MCA."

Senate Bill 316 creates a new hearing process for the transfer to a correctional facility of guilty but mentally ill (GBMI) inmates who have been committed to the custody of the state. This bill attempts to "fix" a process that is rarely used and when it is, has been determined by the courts to be legal and fair. It puts procedures in place that put the safety of staff and patients in these health care facilities at risk and fails to recognize the recommendations and expertise of treatment professionals. If SB 316 became law, Montana would be the only state in the country to provide an additional hearing in order to place GBMI patients and inmates into a correctional facility when acute care is no longer clinically required.

Under current law, while the Department of Public Health and Human Services (DPHHS) director has statutory authority over placement and transfer of GBMI inmates, the director makes these decisions only after considering the recommendations of professionals who evaluate and treat the inmates, including a forensic psychiatrist. If they feel a transfer is indicated, the treatment team makes a recommendation to the Forensic Review Board (FRB), a panel of professionals not directly involved with the inmate's care. If the FRB concurs with the recommendation, it will send a detailed report to the director that includes information about the inmate's history, evaluations, hospital course and justification for the transfer recommendation. Only after this process can the director make the decision to transfer a GBMI inmate to a

correctional facility. This is a rare event – in fact, over the last five years, it has happened an average of three times per year.

The few instances of transfers to correctional facilities from the Montana State Hospital (MSH) and even fewer instances of transfers back to MSH are an indication that the current system is resulting in placements that are legal, fair and based on the treatment and custody needs of the inmate. SB 316 adds an additional and costly taxpayer-funded hearing to second guess the recommendations of the inmate treating professionals. It gives GBMI inmates special rights after they have already received full due process of law when they were found guilty, sentenced and had the right to appeal.

SB 316 also places the patients and MSH staff at risk by giving prisoners 30 days' notice of the proposed transfer hearing and copies of the evidence relied on to support the transfer, including names of the team members who may have recommended their transfer. Furthermore, there are currently 55 inmates in a forensic wing built for 32. Unfortunately, despite my recommendations, the Legislature did not address this crisis. Given the capacity issues and the environment of the forensic wing at MSH, this is a significant safety risk and one that I am not willing to take on behalf of the staff and patients there. When a convicted patient's treatment team, an independent panel of professionals, and the DPHHS director all agree that an individual no longer needs acute-level mental health treatment, that individual can and should return to the appropriate correctional institution for the completion of their sentence.

For these reasons, I veto SB 316.

Sincerely,

STEVE BULLOCK
Governor

May 8, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **Senate Bill 354** (SB 354), "AN ACT CREATING THE BUILD MONTANA PROGRAM WITHIN THE COAL SEVERANCE TAX TRUST FUND; ESTABLISHING A JOINT INTERIM SUBCOMMITTEE TO REVIEW PRIORITIZED LISTS OF RECOMMENDED INFRASTRUCTURE PROJECTS FOR FUNDING BY THE BUILD

MONTANA PROGRAM; REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO PROVIDE A LIST OF RECOMMENDED PROJECTS TO THE SUBCOMMITTEE; ALLOWING OTHER ORGANIZATIONS TO PROVIDE A LIST OF RECOMMENDED PROJECTS TO THE SUBCOMMITTEE; REQUIRING THE SUBCOMMITTEE TO ISSUE ONE LIST OF RECOMMENDED INFRASTRUCTURE PROJECTS FOR FUNDING TO THE LEGISLATURE; ALLOCATING AND TRANSFERRING COAL SEVERANCE TAX FUNDS TO THE BUILD MONTANA FUND; CREATING A STATE SPECIAL REVENUE ACCOUNT; REVISING THE ALLOCATION OF COAL SEVERANCE TAXES; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-5-703 AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

Montana's coal trust and coal sub-trusts are the result of thoughtful and deliberate financial planning to provide for the long-term fiscal stability of the State of Montana. The trust is a financial legacy set in our Constitution with the benefits dedicated to all Montanans to share forever. While I can appreciate the intent of SB 354 to leverage existing trust resources for infrastructure investment, the bill is unworkable for both financial and operational reasons and does not offer any funding assistance until 2017.

Financially, SB 354 diverts ongoing money for several years from the Montana Public Employee Retirement System, which was made actuarially sound during the 2013 legislative session without raising taxes. It also permanently diverts earnings from the state's general fund with the loss growing exponentially every year, impacting essential services.

Operationally, SB 354 creates new deadlines for local and state entities to adhere to and it fails to leverage existing resources contained within the current trust- supported programs of the Departments of Commerce and Natural Resources and Conservation. Further, SB 354 would create legislative review requirements which are duplicative and inefficient. Even more problematic, the bill would put politicians with their own agendas in charge of ranking infrastructure projects, rather than civil servants ranking projects in an apolitical and unbiased manner based on need. Finally, the bill does not provide for immediate funding assistance and does not address Montana's urgent infrastructure needs.

The Legislature had no appetite for the "Build Montana" program proposed in my executive budget. Knowing the critical importance of a comprehensive infrastructure bill for Montana, I continued to work with a bi-partisan coalition to develop a proposal that would garner the support of the Legislature and begin addressing the pressing infrastructure needs throughout the state. A handful of House members did not join me or their fellow legislators in supporting our compromise bill SB 416, instead voting to block its passage. SB 354 is not an acceptable substitute for SB 416.

I commend Senator Ripley for attempting to develop a long-term plan for infrastructure development. However, SB 354 does not meet Montana's immediate needs, undoes our pension fix, and drains the general fund.

For these reasons, I veto SB 354.

Sincerely,

STEVE BULLOCK
Governor

May 8, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby deliver to you **House Bill 10** (HB10), "AN ACT REVISING LAWS RELATED TO INFORMATION TECHNOLOGY CAPITAL PROJECTS; APPROPRIATING MONEY FOR INFORMATION TECHNOLOGY CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2017; PROVIDING FOR MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE LONG-RANGE INFORMATION TECHNOLOGY PROGRAM ACCOUNT; PROVIDING FOR THE DEVELOPMENT AND ACQUISITION OF NEW INFORMATION TECHNOLOGY SYSTEMS FOR THE DEPARTMENT OF ADMINISTRATION, THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, THE DEPARTMENT OF TRANSPORTATION, AND THE JUDICIAL BRANCH; AND PROVIDING EFFECTIVE DATES," which, except for one line-item veto, I have signed into law.

The executive budget that I recommended to the 2015 Legislature was developed through many months of working with state agencies, listening to constituents, and balancing the available resources of state government with a long list of requests. I presented a budget, including my initial version of HB 10, that provided for the most pressing needs and highest priorities while living within available revenues.

"Enterprise electronic content management" was not an item included in my executive budget. The Legislature added $1 million in appropriation authority into Section 2 of the bill to support enterprise electronic content management services. I am directing the Department of Administration to leverage existing resources to accomplish the goals of electronic content management.

As Governor, I may line-item veto the following items in an appropriations bill: (1) a specific appropriation contained in the bill; (2) a condition that limits the use to which an appropriation

may be put but only if the appropriation to which it is attached is vetoed as well; and (3) a rider. I am striking from HB 10 the $1 million appropriation for enterprise electronic content management, because it is unnecessary and outside of the constraints of a responsible budget.

For these reasons, I sign HB 10 into law with the exception of this one line-item veto.

Sincerely,

STEVE BULLOCK
Governor